

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
MAR 12 2003
Michael N. Milby, Clerk

MARK NEWBY, ET AL.	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO. H-01-3624
	}	AND CONSOLIDATED CASES
ENRON CORP., ET AL.,	}	
	}	
Defendants.	}	

**RESPONSE OF NEAL BATSON, THE ENRON CORP. EXAMINER, TO
CERTAIN OFFICER DEFENDANTS' MOTION FOR PROTECTION FROM
BANKRUPTCY RULE 2004 SUBPOENAS**

I. INTRODUCTION

Neal Batson, the Examiner (the "Examiner") appointed in the Enron Corp. ("Enron") bankruptcy case pending in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"), pursuant to the order entered by the Honorable Arthur J. Gonzalez on April 8, 2002, by his undersigned counsel, respectfully submits this memorandum in opposition to the Motion for Protection (the "Motion for Protection") from Bankruptcy Rule 2004 Subpoenas filed by Richard A. Causey, Richard Buy, Kenneth Rice, Mark Frevert, Jeffrey McMahon, Steven Kean and Joseph Sutton (collectively the "Officer Defendants"). The Officer Defendants' Motion for Protection is based on factual assumptions which are inaccurate and perceived motives which lack any basis in fact. Had the Officer Defendants been party to, or participated in the bankruptcy proceedings, they would know that many of their assertions are not grounded in fact. Instead, proceeding on speculation, they chose to file

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their Motion for Protection. Given the factual and legal flaws in the Motion for Protection, it should be denied.

As a threshold matter, the subpoenas that the Officer Defendants seek to quash were properly issued from the United States Bankruptcy Court for the Southern District of Texas (the “Texas Bankruptcy Court”) and, thus, the Court should not entertain the Motion for Protection. Furthermore, although not expressly stated in the Motion for Protection, the Officer Defendants have told the Examiner that this Court, and not the Texas Bankruptcy Court, should have issued the Bankruptcy Rule 2004 subpoenas. The Officer Defendants have offered no authority to support this proposition.

Additionally, the Officer Defendants make the untenable assertion that the Examiner and the Official Committee of Unsecured Creditors (the “Committee”) share common interests and, thus, should be treated identically for purposes of discovery under Federal Rule of Bankruptcy Procedure 2004 (“Bankruptcy Rule 2004”). Contrary to the Officer Defendants’ argument, the Examiner is an impartial, non-adversarial third party in the bankruptcy proceedings and the Examiner’s purpose, goals and motivations are markedly different from those of the Committee.

Finally, the very issue raised in the Motion for Protection has already been addressed and resolved by Judge Gonzalez. In the hearing on the Examiner’s initial motion for authority to commence Bankruptcy Rule 2004 examinations, Judge Gonzalez resolved the matter of whether the Examiner must share with the Committee discovery materials produced by parties involved in litigation with the Committee. Instead of preventing the Examiner from obtaining Bankruptcy Rule 2004 discovery altogether from these parties, Judge Gonzalez allowed the Examiner to proceed with his discovery, but

prohibited the Examiner from sharing such material with the Committee and other entities. Moreover, contrary to the assertions of the Officer Defendants, the Examiner and the Committee adopted an identical approach via the so-called Discovery Sharing Stipulation (as defined in the Motion for Protection): the Discovery Sharing Stipulation permits the Examiner to use Bankruptcy Rule 2004 to seek discovery from certain former Enron officers and employees who are parties in litigation with the Committee, provided such materials are **not shared** with the Committee. The Discovery Sharing Stipulation covers two of the Officer Defendants already, Messrs. Buy and Causey. The Examiner is prepared to seek a similar arrangement with the Committee (or an order from the Bankruptcy Court) with respect to the Bankruptcy Rule 2004 discovery sought from the remainder of the Officer Defendants. Thus, if this Court is inclined to grant the Motion for Protection in any part, such an approach would fully resolve the concerns of the Officer Defendants, while allowing the Examiner to continue his independent investigation.

II. BACKGROUND

On December 2, 2001 and on certain dates thereafter, Enron and certain of its affiliates (collectively, and together with the later-filing entities, the “Debtors”) filed voluntarily petitions for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtors have continued to operate their businesses and manage their affairs as debtors in possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

On April 8, 2002, the Bankruptcy Court entered an Order (the “April 8th Order”) authorizing and directing the appointment of an Examiner pursuant to 11 U.S.C. §

1104(c) to inquire into, *inter alia*, all transactions (as well as all entities, as defined in the Bankruptcy Code, and pre-petition professionals involved therein): (i) involving special purpose vehicles or entities created or structured by the Debtors or at the behest of the Debtors, that are (ii) not reflected on Enron's balance sheets, or that (iii) involve hedging using Enron stock, or (iv) as to which the Examiner has the reasonable belief are reflected, reported or omitted in the relevant entity's financial statements not in accordance with generally accepted accounting principles, or that (v) involve potential avoidance actions against any pre-petition insider or professional of the Debtors. (April 8th Order, attached hereto as Exhibit ("Ex.") 1, at 2.) On May 22, 2002, the United States Trustee for the Southern District of New York appointed Neal Batson as the Examiner. The United States Trustee's appointment of Neal Batson as Examiner was approved by the Bankruptcy Court by Order dated May 24, 2002.

In order to fulfill his Court-ordered and statutory duties, the Examiner determined that it was necessary and appropriate to seek the production of documents and to conduct oral examinations. By a motion filed in the Bankruptcy Court, the Examiner sought and obtained permission to issue Bankruptcy Rule 2004 subpoenas for the production of documents upon numerous entities and individuals, including the Officer Defendants. (See Bankruptcy Court Order dated September 12, 2002 ("September 12th Order"), attached to the Motion for Protection as Ex. D.)¹

¹ The Examiner's initial motion for authority under Bankruptcy Rule 2004 sought only authority to serve document subpoenas on the Officer Defendants. The Committee subsequently sought and received permission of the Bankruptcy Court to serve subpoenas for the production of documents and oral testimony upon the Officer Defendants. (See Bankruptcy Court Order dated September 19, 2002, attached hereto as Ex. 2, at 3.) Given the Bankruptcy Court's mandate to avoid duplicative requests for discovery and to coordinate discovery to the extent possible, the Examiner has taken the position that he

At that time, the Committee and Enron were engaged in litigation with the Bank of New York, among others, over a transaction designated as the “Marlin Transaction.” *See The Bank of New York, as Indenture Trustee of and Attorney-in-fact for Marlin Water Trust, et al. v. Enron Corp., et al.*, Adv. Proc. No. 02-02380, Bankr. S.D.N.Y. (the “Marlin Adversary Proceeding”). The plaintiffs in that action objected to the Committee, among others, obtaining any discovery related to the Marlin Transaction through Bankruptcy Rule 2004 given the pendency of the litigation. Accordingly, Judge Gonzalez allowed the Examiner to use Bankruptcy Rule 2004 to obtain discovery related to the Marlin Transaction, on the condition that the Examiner not share that discovery with the Committee or Enron. (September 12th Order at 5.)

Following Judge Gonzalez’ grant of authority to the Examiner, and before the Committee filed its lawsuit against certain officers and directors, the Examiner issued subpoenas to the parties and entities covered by the September 12th Order, including the Officer Defendants, beginning on or about September 16, 2002 (the “September Subpoenas”).

Among the Officer Defendants’ objections raised in response to the Examiner’s September Subpoenas was the fact that the Committee had, on October 1, 2002, filed a lawsuit against Officer Defendants Richard Causey, Richard Buy and certain other former officers and employees of Enron, and that documents produced to the Examiner

can rely on the September 19, 2002 Order as authority to issue the February Subpoenas for oral examinations. The Officer Defendants have contended that the Examiner lacks the authority to issue deposition subpoenas upon them. While the Examiner disagrees with that contention, in order to resolve this issue, the Examiner has sought the Bankruptcy Court’s authority to obtain oral testimony from these individuals. (See Fourth Motion of Neal Batson, the Examiner, Pursuant to Federal Rule of Bankruptcy

would be shared with the Committee. (See Responses and Objections of Richard A. Causey to Schedule of Documents to Be Produced Attached to the Subpoena for Rule 2004 Examination, attached hereto as Ex. 4, at 3).²

The Examiner and the Committee knew that the same issue would arise with respect to the Committee's lawsuit filed in Montgomery County, Texas against certain former officers and director of Enron. Knowing that Judge Gonzalez had restricted the Committee's use of Bankruptcy Rule 2004 in the Marlin Adversary Proceeding, and in an effort to address these objections without resort to Court intervention, the Examiner entered into a stipulation and consent order on December 10, 2002, referred to in the Motion for Protection as the "Discovery Sharing Stipulation." The Discovery Sharing Stipulation relieved the Examiner of any obligation to share with the Committee or the Debtors any documents produced by any party named as a defendant in the Committee's

Procedure 2004 for Order Directing Production of Documents and Oral Examinations, attached to the Motion for Protection as Ex. F.)

² The Officer Defendants argue that the Examiner at one point had authority to bring this lawsuit. That was momentarily the case, because the Examiner sought authority to preserve certain coverage under Enron's directors' and officers' insurance policies. Those policies contained a standard "insured versus insured" exclusion, but provided in a subsequent endorsement that claims brought by an examiner, trustee or their assignee were not subject to this exclusion. (See Emergency Motion of Neal Batson, the Examiner, Pursuant to 11 U.S.C. §§ 105 and 1106 for an Order Expanding the Scope of the Examiner's Authority (the "Emergency Motion"), attached hereto as Ex. 3, at 2.) To preserve coverage under this exclusion, and because no trustee had been appointed in Enron's case, the Examiner filed the Emergency Motion. After the Emergency Motion was filed and Judge Gonzalez convened a chambers conference, the Bankruptcy Court issued an order granting the Examiner authority to bring all claims arising on or before December 2, 2001 against present and former officers and directors of the Debtors. (Bankruptcy Court Order dated August 29, 2002, attached to the Motion for Protection as Ex. C, at 2.) By the same Order, the Examiner assigned his authority to bring such claims to the Committee. (*Id.*) Thus, the Officer Defendants' contention that the Examiner has the authority to sue them (or anyone), and their argument that the Committee is working jointly with the Examiner in bringing claims against them, is

lawsuit. (See Stipulation and Consent Order Modifying the October 10, 2002 Order Governing the Production and Use of Confidential Material Among the Examiner and the Official Committee of Unsecured Creditors, the Debtors and Non-Parties, attached to the Motion for Protection as Ex. E.)³ Thus, the Discovery Sharing Stipulation was not an “end-run around this Court’s order” (which order had not even entered yet), but rather, a recognition of the well-settled rule that a litigant (such as the Committee) should not be able to use Bankruptcy Rule 2004 to obtain discovery materials when a lawsuit or an adversary proceeding is pending. The Examiner, which is not a litigant, could obtain such materials under Bankruptcy Rule 2004, but could not share them with the Committee.

The Examiner’s efforts to obtain discovery from the Officer Defendants pursuant to the September Subpoenas were largely unsuccessful due, in part, to jurisdictional issues raised by the Officer Defendants. See Fed. R. Civ. P. 45(c)(3)(B)(iii). Thus, the Examiner served the Officer Defendants with the subpoenas at issue from the Texas Bankruptcy Court on or about February 14, 2003 (the “February Subpoenas”). The February Subpoenas were largely identical to the September Subpoenas. Contrary to the Officer Defendants’ assertions, they were not issued at the Committee’s behest. Rather, they were issued again, this time from the Texas Bankruptcy Court, to resolve

incorrect. The Examiner was given authority to sue in one instant and such authority was immediately thereafter assigned to the Committee by the very same Order.

³ The Officer Defendants make much of the fact that the prohibition on sharing Bankruptcy Rule 2004 material obtained from them is in a stipulation and consent order, which they argue can be modified at any time. The Examiner has no objection to a Bankruptcy Court order being entered limiting his ability to share with the Committee any Bankruptcy Rule 2004 discovery from the Officer Defendants, and providing that such order cannot be revised or amended except by motion on proper notice to the Officer Defendants.

jurisdictional issues. On March 4, 2003, the Officer Defendants filed their Motion for Protection in this Court, seeking an order quashing the Examiner's February Subpoenas.

The Officer Defendants assert, among other reasons, that the February Subpoenas should be quashed because of the Court's Order of December 13, 2002 (the "December 13th Order"), which quashed the Bankruptcy Rule 2004 subpoenas served by the Committee, not the Examiner, on Enron's former Outside Directors. Notably, even though the Outside Directors moved to quash the Committee's Bankruptcy Rule 2004 subpoenas in this Court, they have agreed to date to voluntarily cooperate with the Examiner's discovery requests.

III. ARGUMENT AND CITATION OF AUTHORITY

A. The Officer Defendants Cannot Seek a Protective Order from This Court, Because it Did Not Issue the February Subpoenas.

As an initial matter, the Motion for Protection should not be heard by this Court, as the February Subpoenas were issued from the Texas Bankruptcy Court, and not this Court. Issuance of a subpoena from the Bankruptcy Court, and the resolution of subsequent objections or motions to quash by that same Bankruptcy Court, is the proper procedure for examinations under Bankruptcy Rule 2004:

A party wishing to conduct a Rule 2004 examination of a witness residing outside of the district where a bankruptcy case is pending must obtain an order granting the Rule 2004 motion from the U.S. bankruptcy court where the bankruptcy case was filed. The movant then files a certified copy of the order in the U.S. bankruptcy court in the district where the witness resides and obtains a subpoena from the court compelling her attendance at a deposition and/or her production of documents in the district of her residence.

In re Symington, 209 B.R. 678, 691 (Bankr. D. Md. 1997) (subpoena challenge heard by the Bankruptcy Court that issued the subpoena) (citations omitted); *In re Texas Int'l Co.*,

97 B.R. 582 (Bankr. C.D. Cal. 1989) (“the appropriate method of compelling examination [pursuant to Bankruptcy Rule 2004] of a witness residing in a different district from the district where the bankruptcy case is pending is to obtain a subpoena from the bankruptcy court for the district where the witness resides”; challenge to subpoena then filed and prosecuted in the bankruptcy court that issued the subpoena); *In re Mantolesky*, 14 B.R. 973, 979 (Bankr. D. Mass. 1981) (procedure for parties residing more than 100 miles from place of Bankruptcy Rule 2004 examination is to seek a subpoena from the Bankruptcy Court where such party resides, and pursue such examination there); *In re Federated Dep’t Stores, Inc.*, No. 01-90-00130, 1990 Bankr. LEXIS 1142, at *7-*8 (Bankr. S.D. Ohio June 1, 1990) (same).

This practice is identical to that in other forms of federal litigation, in which “only the issuing court has the power to act on its subpoenas.” *In re Sealed Case*, 141 F.3d 337, 341 (D.C. Cir. 1998) (citing cases); *see also Kearney v. Jandernoa*, 172 F.R.D. 381, 383 n.4 (N.D. Ill. 1997) (“[A] motion to quash, under Rule 45(c)(3)(A), must be filed and decided in the court **from which the subpoena issued**”) (emphasis added).

The Officer Defendants have ignored this well-accepted practice, and have instead sought protection from this Court for subpoenas issued by the Texas Bankruptcy Court. The Texas Bankruptcy Court is fully competent and able to hear the Officer Defendants’ objections, and should be permitted to do so. Otherwise, this Court would be placed in the highly unusual position of addressing objections to a subpoena issued by another court. This is not the usual practice, and should not be condoned here.

Indeed, the Officer Defendants cite no case for the proposition that this Court should hear the Motion for Protection, probably because no such case exists. The Officer

Defendants do provide a citation to the All Writs Act, 28 U.S.C. § 1651, as authority for this Court to hear the Motion for Protection. (*See* Motion for Protection at n.10.) Yet the All Writs Act “do[es] not afford independent grounds for the jurisdiction of the district court,” *Newby v. Enron Corp.*, 302 F.3d 295, 300 (5th Cir. 2002). Accordingly, where this Court lacks authority to pass on a subpoena issued by a Bankruptcy Court, the All Writs Act cannot supply such jurisdiction. Moreover, “relief under the All-Writs Act is not available unless the applicant has shown that he has no other adequate remedy.” *In re Montes*, 677 F.2d 415, 416 (5th Cir. 1982) (citation omitted); *see also Henderson v. Office of Thrift Supervision, Dep’t of Treasury*, 135 F.3d 356, 360 (5th Cir. 1998) (petitioner must exhaust other judicial or administrative remedies before it can seek relief under the All Writs Act). The Officer Defendants have made no showing that the Texas Bankruptcy Court would refuse to consider their objections, and as such, resort to the All Writs Act is inappropriate under Fifth Circuit precedent.

Finally, in determining whether to grant an extraordinary writ, courts “must consider the confusion and disruption that affirmative action might occasion.” *Graddick v. Newman*, 453 U.S. 928, 936 (1981) (Powell, J., acting as Circuit Justice). Here, preventing the Examiner from pursuing discovery under Bankruptcy Rule 2004 will seriously impede the Examiner’s duties, and will prevent him from fully performing the duties Judge Gonzalez has assigned to him. *Cf.* 28 U.S.C. § 1334(a) and 28 U.S.C. § 157(a) (providing original and exclusive jurisdiction of cases under the Bankruptcy Code to the district courts, and providing that the district court may refer cases under the Bankruptcy Code to the bankruptcy court). The Officer Defendants have provided no

basis for such extraordinary relief and the disruption it will cause in the Enron bankruptcy case.

Accordingly, the Examiner respectfully submits that this Court should not hear the Officer Defendants' Motion for Protection, but rather, allow the Texas Bankruptcy Court to consider and rule on any objections the Officer Defendants may raise.⁴

B. The Premise of the Officer Defendants' Motion for Protection, That the Examiner Shares a Common Interest with the Creditors' Committee, is Incorrect.

In the Motion for Protection, the Officer Defendants assert that the Examiner has identical motivations and goals as the Committee, and thus the Examiner's discovery efforts under Bankruptcy Rule 2004 should be treated in the same fashion as the Committee's discovery under Bankruptcy Rule 2004. (*See* Motion for Protection at 2, 7, 8-10.) This contention is incorrect. While the Committee owes a fiduciary duty to the creditors it represents, *Pan Am Corp. v. Delta Air Lines, Inc.*, 175 B.R. 438, 513 (S.D.N.Y. 1994), "Examiners . . . play a chiefly information-seeking role and, like the court itself, must remain a neutral party in the bankruptcy process." *Kovalesky v. Carpenter*, 1997 WL 630144 at *3 (S.D.N.Y. Oct. 9, 1997). Accordingly, the Examiner's February Subpoenas issued to the Officer Defendants were issued in furtherance of the Examiner's duties to the Bankruptcy Court: to investigate Enron's structured finance vehicles and the persons and entities involved with them, and to file reports. *See In re Big Rivers Elec. Corp.*, 213 B.R. 962, 977 (Bankr. W.D. Ky. 1997)

⁴ The Examiner recognizes that this issue was raised by the Committee in its arguments to this Court prior to the entry of the December 13th Order, and that this Court rejected that argument. Nonetheless, the Examiner respectfully submits that the cases cited above support his position that the court issuing a subpoena (here, the Texas Bankruptcy Court) is the proper forum for a motion for protective order.

(recognizing the examiner as “a party who is not an adversary but rather an independent third-party and officer of the Court.”); *see also In re Interco, Inc.*, 127 B.R. 633, 638 (Bankr. E.D. Mo. 1991) (“[T]he Examiner’s role is by its nature disinterested and non-adversarial. There is no doubt that the Examiner is a neutral party in a bankruptcy case.”); *In re Baldwin United Corp.*, 46 B.R. 314, 316 (Bankr. S.D. Ohio 1985) (“[The Examiner] is first and foremost disinterested and nonadversarial. . . . [H]e answers solely to the Court.”).

Once the Examiner receives materials from the Officer Defendants and takes testimony from them, he will then be able to report on their role in Enron’s pre-petition financial affairs in his next report to the Bankruptcy Court, due no later than June 30, 2003. The Examiner is under an obligation impartially to report his findings, whether it benefits Enron’s bankruptcy estate or impairs it. *See* Leonard L. Gumpert, *The Bankruptcy Examiner*, 20 Cal. Bankr. J. 71, 101 (1992) (comparing the duties of a trustee and an examiner, and noting that “the trustee may be more adversarial in its investigation and report than an examiner would be, because the trustee . . . will have a stake in pursuing any causes of action identified in the investigation. Even a totally impartial and fair trustee may be reluctant to file a report which discloses in detail possible weaknesses in causes of action which the trustee plans to prosecute.”). Judge Gonzalez recently recognized that the Examiner’s role was to report on his facts and findings, regardless of whether Enron or a particular defendant will benefit from them:

Let me also add something because I think it’s probably an appropriate time. And I have viewed this process in terms of duties of the Examiner. There’s really a, what I consider two different standards that are contained within the Examiner order. One is the duty to the Court as a fact-finder, and there the Examiner’s role is to do his report and whether the findings are in the best interest of the estate, the findings should be

made in accordance with what the Examiner believes the facts and circumstances require.

...

I have no doubt at all that the Examiner is fully aware of the fact-finding and conclusion and, et cetera, that **the standard is the duty to the Court and not any particular constituency, including the estate.**

(In re Enron Corp., Transcript of Hearing of Feb. 27, 2003, at 18-19 (Bankr. S.D.N.Y. Case No. 01-16034) (emphasis added) (a copy of the relevant transcript excerpts are attached hereto as Ex. 5.))

Thus, unlike the Committee, the Examiner has been and will remain impartial, and will not use discovery to prove one case or disprove another. Indeed, certain of Enron's former outside directors have voluntarily agreed to be interviewed and to provide sworn testimony to the Examiner because of, among other reasons, his independent investigatory role. Despite this cooperative approach by similarly situated parties, the Officer Defendants persist in their efforts to thwart the Examiner, and incorrectly argue the Examiner and the Committee have the same interests and constituencies. As the cases noted above illustrate, however, the Examiner's role is different, and the reasons used to preclude Bankruptcy Rule 2004 discovery in certain circumstances by the Committee should not apply here.

Moreover, the Examiner is also different from the Committee in that he is not a litigant, in this case or any other. The Bankruptcy Court's Order appointing the Examiner provided him with no authority to file lawsuits. While the August 29, 2002 Order of Judge Gonzalez granted the Examiner authority to sue certain officers and directors, it simultaneously effected an assignemnt of that authority to the Committee. (Bankruptcy Court Order dated August 29, 2002, attached to the Motion for Protection as Ex. C, at 2.) Accordingly, unlike the Committee or any of the other parties before this

Court, the Examiner is not in a position to resort to discovery under Federal Rule 7026 *et seq.* and may only use Bankruptcy Rule 2004. Indeed, given that the Examiner has no power to sue, Bankruptcy Rule 2004 is the only discovery tool available to him. The Motion for Protection not only ignores the Examiner's unique role in the Enron investigation, but, if granted, would eliminate the Examiner's **only method** to compel parties to respond to his inquiries. Accordingly, because the Motion for Protection incorrectly identifies the Examiner's role and seeks to curtail the Examiner's fact-finding mission with respect to the Officer Defendants, it should be denied.

C. Judge Gonzalez Has Already Addressed Whether the Examiner Must Share With the Committee Bankruptcy Rule 2004 Discovery Related to Pending Litigation.

The Officer Defendants expend significant effort in discussing this Court's December 13th Order granting the Outside Directors' motion to quash, but fail entirely to mention that the Bankruptcy Court has previously resolved an identical issue: whether the Examiner has an obligation to share with the Committee discovery material and other information that is the subject matter of ongoing litigation. At the hearing on the Examiner's first Bankruptcy Rule 2004 Motion held on August 29, 2002, counsel for the Bank of New York and certain other plaintiffs in the Marlin Adversary Proceeding raised objections to using Bankruptcy Rule 2004 to obtain discovery in that action, and to the Examiner's sharing such discovery with the Committee and Enron, both litigants in the Marlin Adversary Proceeding. (*In re Enron Corp.*, Transcript of Hearing of August 29, 2002, at 66-68, 117-18 (Bankr. S.D.N.Y. Case No. 01-16034) (a copy of the relevant transcript excerpts are attached hereto as Ex. 6.)) Judge Gonzalez resolved these

objections in the September 12th Order by ruling that any party having documents and deposition testimony:

relating to the Marlin transactions, the Marlin Water Trust, Bristol Water Trust or the Atlantic Water Trust (collectively, the “Marlin Subject Matter”) shall produce such Rule 2004 Material to the Examiner, who shall not, unless permitted by further order of the Court . . . share such information with the Committee, the Debtors or any other entity.

(September 12th Order at 5.)

Instead of quashing the Examiner’s February Subpoenas as the Officer Defendants advocate, the Court should take the approach of Judge Gonzalez and allow the Examiner to obtain Bankruptcy Rule 2004 discovery from the Officer Defendants subject to an order that any discovery material produced in response to the Examiner’s February Subpoenas will not be shared, unless permitted by further order.⁵ If this Court were to grant the Officer Defendants’ Motion for Protection, the Examiner would be denied access to discovery of substantive information necessary for his examination and his next interim report due June 30, 2003. The Officer Defendants and many other parties similarly claiming to be “affected by” the litigation pending before this Court could avoid compliance with the Examiner’s February Subpoenas despite the fact that the Examiner is not a party to any adversary proceeding before this Court.⁶

The Bankruptcy Court and the Examiner have consistently respected the rights of parties involved in litigation to be free from Bankruptcy Rule 2004 discovery sought by other parties to the litigation. As previously discussed, the Bankruptcy Court protected

⁵ As noted above, the Committee has already agreed to such a procedure once, via the Discovery Sharing Stipulation.

⁶ Indeed, if this Court grants the Motion for Protection, it may also impair the Examiner’s ability to seek discovery under at least ten other subpoenas issued by the Examiner to similarly situated persons.

certain parties in the Marlin Adversary Proceeding by prohibiting the Examiner from sharing Bankruptcy Rule 2004 discovery obtained from these parties with the Committee, the Debtors and other entities in its September 12th Order.

Further, the Examiner entered the Discovery Sharing Stipulation to address the similar objections raised by defendants in the Committee's lawsuit. Pursuant to the Discovery Sharing Stipulation, the Examiner, the Committee and the Debtors agreed that the Examiner would not share documents, deposition testimony or other material he received from any defendant in the Committee's suit. The Officer Defendants' assertions that the Examiner had some sinister motive for entering the Discovery Sharing Stipulation are wholly erroneous.

First, the Officer Defendants incorrectly state that the Discovery Stipulation was "designed to attempt an end-run around" the Court's December 13th Order. (Motion for Protection at 5.) This contention defies logic because the Discovery Sharing Stipulation was entered on December 10, 2002, three days before the Court issued its December 13th Order.

Second, the Officer Defendants claim that the Discovery Sharing Stipulation offers them no real protection because: (1) it can be modified or terminated at will by the Examiner, Debtors and the Committee, and (2) it does not address whether the Examiner must share discovery received from parties "affected by" the Committee's litigation. (*Id.* at 6.) Given the Bankruptcy Court's prior rulings and the Examiner's demonstrated willingness to respect the rights of litigants to be protected from Bankruptcy Rule 2004 discovery, it is disingenuous to suggest that the Examiner would (or could), without notice, terminate or modify any agreements protecting parties in litigation from such

discovery. As to Officer Defendants McMahon, Frevert, Kean, Rice and Sutton, parties purportedly “affected by” the Committee’s lawsuit, the Examiner has no objection to an order prohibiting him from sharing with the Committee any Bankruptcy Rule 2004 discovery received from these individuals and others similarly situated. In the alternative, the Examiner has no objection to conditioning compliance with the February Subpoenas on the modification of the Discovery Sharing Stipulation by the Bankruptcy Court relieving the Examiner of the obligation to provide access to material produced by the Officer Defendants to the Committee.

D. The Examiner is Not Attempting an End-Run Around this Court’s December 13th Order.

Attributing an improper motive to the Examiner, and seeking the benefit of the PSLRA stay still in place in *Newby*, the Officer Defendants argue that the Examiner issued the February Subpoenas in direct violation of this Court’s December 13th Order. This argument should be rejected.

The Committee is presently in litigation with certain former officers of Enron. This fact was a critical basis for the December 13th Order. As this Court ruled, “... [t]he filing of the lawsuit has precluded the use of Rule 2004 discovery and subjected the creditor’s committee to the [PSLRA] stay.” Also, this Court found that a member of the Committee, JP Morgan Chase & Co., is a party to litigation where the Officer Defendants are also parties. Its status as a member of the Committee, with potential access to the products of a Bankruptcy Rule 2004 subpoena, caused this Court concern as well. Finally, this Court implicitly recognized the issue as largely one of timing, *i.e.*, the Committee could use Rule 26 and 45 devices once the stay was lifted. The Examiner, however, will never be able to use those tools as he will never be a party to a lawsuit with

any of these parties, and the passage of time works against the Examiner as the deadline for him to report next is approaching.⁷

The Examiner is under a duty to file reports every 120 days. His latest report exceeded 2,100 pages and required a tremendous effort to complete it in the time allowed. The next report is due June 30, 2003 and requires the utilization of Bankruptcy Rule 2004 discovery to be an effective report. Any delay in allowing the Examiner to conduct discovery will have a profound impact on his ability to report meaningfully and in accordance with the Bankruptcy Court's directive.

E. The Officer Defendants' Additional Grounds for Objecting to the Examiner's February Subpoenas Should Be Addressed By the Parties After the Court Rules on the Motion for Protection.

In addition to their challenges to the propriety of the Examiner's ability to conduct Bankruptcy Rule 2004 discovery, the Officer Defendants raise several additional grounds for objecting to the Examiner's February Subpoenas. For example, the Officer Defendants assert that the February Subpoenas call for the production of documents protected by attorney-client privilege and the attorney work product doctrine. (Motion for Protection at 16-17.) The Examiner respectfully submits that the issue of fundamental

⁷ For this reason as well, the Officer Defendants' citation to cases such as *2435 Plainfield Ave., Inc. v. Township of Scotch Plains (In re 2435 Plainfield Ave., Inc.)*, 223 B.R. 440, 455 (Bankr. D.N.J. 1998) and *In re Bennett Funding Group, Inc.*, 203 B.R. 24, 29 (Bankr. N.D.N.Y. 1996) is unavailing. In those cases, the **plaintiff** to certain adversary proceedings sought to use Bankruptcy Rule 2004 to compel discovery from parties very much involved in the such proceedings. Those cases note the general impropriety of such a maneuver not because the targets of the Bankruptcy Rule 2004 discovery are related entities, but rather, because in those cases, the plaintiff could use the Federal Rules to obtain discovery. *Bennett Funding*, 203 B.R. at 28 (noting that Bankruptcy Rule 2004 is a pre-litigation device). However, the Examiner will never be able to resort to the Federal Rules, for the Examiner is not a litigant and was not appointed by the Bankruptcy Court to be a litigant. Thus, discovery under Bankruptcy

importance before the Court is whether the Examiner can properly conduct Bankruptcy Rule 2004 discovery and the conditions of that authority. If this Court rules that the Examiner can obtain discovery from the Officer Defendants, then the Officer Defendants' traditional discovery objections should be preserved and addressed by the parties (or the issuing Court if ever needed) in accordance with Federal Rule 45, such as by objection and preparation of a privilege log, as Judge Gonzalez has directed the parties to do. To date, the Examiner has resolved with dozens of parties the traditional discovery objections they have asserted, and has no reason to believe he will not be able to do so here, as well.

IV. CONCLUSION

Everything about Enron remains unique. Given the extraordinarily fast track for reporting that the Examiner is on, he respectfully submits the Officer Defendants' Motion for Protection should be denied on an expedited basis. The Discovery Sharing Stipulation already prohibits sharing with the Committee any Bankruptcy Rule 2004 material gained from certain of the Officer Defendants. The Discovery Sharing Stipulation can be expanded to protect the remainder of the Officer Defendants from the Committee's use of Bankruptcy Rule 2004 while allowing the Examiner to do his job. While unnecessary, the Discovery Sharing Stipulation can be made an Order of this Court, if needed, or the Examiner's Bankruptcy Rule 2004 discovery may be conditioned on a modification of the Discovery Sharing Stipulation by the Bankruptcy Court to eliminate the Examiner's obligation to provide access to the Committee to material produced by the Officer Defendants. The remaining objections of the Officer Defendants

Rule 2004 is appropriate for the Examiner, both from parties that are defendants in any

are not well-grounded and should be rejected. Thus, for the reasons stated above, the Examiner requests that this Court deny the Officer Defendants' Motion for Protection from Bankruptcy Rule 2004 Subpoenas.

Dated: March 11, 2003



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litigation and from parties related to those involved in litigation.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Case No. 01-16034 (AJG)
ENRON CORP., et al.,	:	Chapter 11
Debtors.	:	Jointly Administered

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ORDER PURSUANT TO 11 U.S.C. § § 1104(c) AND 1106(b)
DIRECTING APPOINTMENT OF ENRON CORP. EXAMINER

Several motions having been filed requesting the appointment of a trustee or an examiner in the above-captioned cases, and the Court having convened a conference among parties in interest, and movants and other parties in interests having subsequently met and conferred about the appointment of an examiner with certain powers in the Enron Corp. case, and the United States Trustee and the United States Securities and Exchange Commission having appeared as parties in interest, and after due deliberations and sufficient cause appearing therefor, it is

ORDERED that an Examiner be appointed for Enron Corp.; provided, however, that subject to the terms of this Order, the Enron Examiner shall have the authority to investigate and report on transactions involving not only Enron Corp., but also any entity controlled by Enron Corp. and any other debtor in these jointly administered cases; and it is further

ORDERED that the United States Trustee for the Southern District of New York (the “United States Trustee”) shall appoint the Enron Examiner, subject to approval of this Court; and it is further

ORDERED that the Enron Examiner shall have the authority and power to investigate all transactions (as well as all entities as defined in the Bankruptcy Code and pre-petition professionals involved therein): (i) involving special purpose vehicles or entities created or structured by the Debtors or at the behest of the Debtors (the “SPEs”), that are (ii) not reflected on the Enron Corp. balance sheets, or that (iii) involve hedging using the Enron Corp. stock, or (iv) as to which the Enron Examiner has the reasonable belief are reflected, reported or omitted in the relevant entity’s financial statements not in accordance with generally accepted accounting principles, or that (v) involve potential avoidance actions against any pre-petition insider or professional of the Debtors; and it is further

ORDERED that all of the Debtors and their professionals, including the captioned Debtor’s direct and indirect affiliates and subsidiaries, any official committee and its professionals, and the Enron Examiner shall mutually coordinate and cooperate, and the Debtors shall provide the Enron Examiner all documents and information that the Enron Examiner deems relevant to discharge duties under this Order or as such duties may be expanded or limited by this Court; and it is further

ORDERED nothing contained in this Order shall diminish the powers and authority of any official Committee under the Bankruptcy Code; including the powers to investigate transactions and entities, commence contested matters and adversary proceedings, and object to claims; and it is further

ORDERED that the Enron Examiner, to the extent possible, shall avoid duplication of effort of Debtors and any official Committee in connection with investigations to be pursued; and it is further

ORDERED that nothing in this Order is intended to restrict this Court's ability to expand or limit the duties of the Enron Examiner appointed herein sua sponte, or prejudice or limit the ability of any party in interest to move this Court to expand or limit the duties of the Enron Examiner, upon motion and a hearing, or limit the investigation being undertaken by the Enron Examiner; and it is further

ORDERED that the Examiner shall have the power to waive, on an issue-by-issue basis, the attorney-client privilege of the Debtors' estates with respect to pre-petition communications relating to matters to be investigated by the Examiner hereunder. In making any such determination, the Examiner shall act in the best interests of the Debtors' estates after consultation with the Debtors and the Committee of Unsecured Creditors preserving the right in the Debtors and the Committee to make prompt objection to the Court on two business days' notice. Such waiver shall be a limited and not a general waiver; and it is further

ORDERED that the Enron Examiner shall not make any public disclosure concerning his/her deliberations, conclusions, recommendations or the nature and content of the report(s) he/she is preparing until such report(s) shall have been filed with the Court; provided, however, that the Enron Examiner may communicate non-privileged information to government entities, including among others, the SEC and the Department of Justice; and it is further

ORDERED that the Enron Examiner, if appropriate, include in a report (taking into account the absolute priority rule, the financial condition of the Debtors' estates and the need not to waste value available to creditors) whether or not there is a legal mechanism for holders (except entities affiliated with Debtors) of any equity interest in the Debtors to share in the Debtors' estates; and it is further

ORDERED that the Enron Examiner may retain counsel and other professionals pursuant to section 327 of the Bankruptcy Code, if he or she determines that such retention is necessary to discharge his or her duties; and it is further

ORDERED that the Enron Examiner and any professionals retained by he Enron Examiner pursuant to an order of this Court shall be compensated from the Debtors' estates pursuant to section 330 of the Bankruptcy Code and further orders of this Court; and it is further

ORDERED that the Enron Examiner shall have the duties, powers and responsibilities of an examiner under section 1106(b) of the Bankruptcy Code provided, however that the scope of the Examiner's duties, unless expanded or limited by further order of this Court, shall be limited to the investigations delineated herein and to the preparation of reports regarding such investigations as set forth in this Order; and it is further

ORDERED that the Enron Examiner shall be a "party in interest" under section 1109 with respect to matters that are within the scope of the duties delineated in this Order or as such duties may be expanded or limited by this Court, and shall be entitled to appear at hearings held in these cases and to be heard, at such hearings, with respect to matters that are within the Enron Examiner's duties; and it is further

ORDERED that the Enron Examiner's initial report shall be filed with this Court within 120 days of the entry of the Order approving the appointment of the Enron Examiner and shall file interim reports every 120 days thereafter or as otherwise ordered by the Court.

Dated: New York, New York
April 8, 2002

s/Arthur J. Gonzalez
HONORABLE ARTHUR J. GONZALEZ
U.S. BANKRUPTCY JUDGE

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
In re: : Chapter 11
:
ENRON CORP., ET AL., : Case No. 01-16034 (AJG)
:
Debtors. : Jointly Administered
-----X

**ORDER, GRANTING MOTION OF OFFICIAL COMMITTEE OF
UNSECURED CREDITORS FOR ORDER, UNDER 11 U.S.C.
§ 1103(c) AND FED. R. BANKR. P. 2004, DIRECTING
EXAMINATION OF AND PRODUCTION OF DOCUMENTS FROM
CERTAIN FORMER ENRON OFFICERS, DIRECTORS AND EMPLOYEES**

Upon the Motion of the Official Committee of Unsecured Creditors (the "Creditors' Committee") of Enron Corp. and its affiliated debtors and debtors-in-possession in the above-captioned cases (collectively, "Enron") for an Order under section 1103(c) of title 11 of the United States Code, 11 U.S.C. §§ 101-1330 (as amended, the "Bankruptcy Code") and rule 2004 ("Rule 2004") of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), directing Norman P. Blake, Ronnie C. Chan, John H. Duncan, Joe H. Foy, Wendy L. Gramm, Ken L. Harrison, Robert K. Jaedicke, Kenneth L. Lay, Charles A. LeMaistre, Rebecca Mark-Jusbasche, John Mendelsohn, Jerome J. Meyer, Paulo V. Ferraz Pereira, Frank Savage, John A. Urquhart, John Wakeham, Charles E. Walker, Bruce G. Willison, and Herbert S. Winokur, Jr., David D. DeLainey, Garreth Bahlman, Esq., Philip J.

Bazelides, Rakesh Bharati, Bob Butts, Richard Buy, Rebecca Carter, Richard Causey, Julia Chin, Wes Colwell, James Derrick, Esq., Robert Eickenroht, Rodney Faldyn, Mark A. Frevert, Robert J. Hermann, Joseph M. Hirko, Mary K. Joyce, Vince Kaminski, Steve Kean, Robert Kelly, John Lavorato, Cheryl Lipshutz, Davis Maxey, Jeffrey McMahon, Lisa Mellancamp, Lou Pai, Trushar Patel, Tim Proffitt, Brian Redmond, Kenneth Rice, Scott Sefton, Vasant Shanbhogue, Carol St. Clair, Esq., Joseph Sutton, Ann Marie Tiller, Clayton Vernon, Thomas White, Jr., and Stuart Zisman (collectively, the "Subpoena Parties"), who may possess information relevant to potential claims that may be brought on behalf of the Debtors' estates, including claims arising in connection with possible breaches of fiduciary duty, breaches of the duty of loyalty, questionable accounting practices, including those concerning certain Special Purpose Entities ("SPEs"), conflict of interest transactions, potential failures in corporate governance or board supervision, potential regulatory abuses, possible insider trading activities and payment of excessive compensation, some or all of which may have been used to conceal Enron's actual financial condition from the investing public for the benefit of the certain Subpoena Parties, to produce documents and submit to oral examinations (the "Motion"); and adequate and sufficient notice of the Motion having been provided to Subpoena Parties and all parties in

interest; and objections, if any, to the Motion having been overruled, settled or withdrawn; and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Motion is granted as provided herein.

2. The Committee, the Enron Corp. Examiner ("Examiner") and Debtors are directed to cooperate, to the fullest extent practicable, in coordinating with respect to the discovery authorized herein.

3. The Committee is hereby authorized to issue a single subpoena or other process on behalf of both the Committee and the Examiner to any person or entity identified in the Motion to compel such person or entity to produce and permit inspection and copying of documents. The subpoena will designate one location for production of documents and the primary contact person to coordinate the mechanics and timing of said production (the "Primary Contract Person") The Primary Contact Person will also have the power, on behalf of the Examiner and Committee, to negotiate with each Subpoena Party with respect to all subpoena matters.

4. The Committee, Examiner and Debtors shall coordinate, to the fullest extent practicable, the date and timing of the oral examinations authorized herein in order to avoid unnecessary duplication of oral examinations of a Subpoena Party. To the extent the Committee or Examiner seek to take

multiple oral examinations of the same Subpoena Party, the Subpoena Party's rights to object to additional depositions on any ground and the Committee's and Examiner's rights to oppose such objection shall be preserved in their entirety.

5. Subject to paragraph 6 below, the Committee, Examiner and Debtors all shall be permitted to be present at each oral examination authorized herein and to interrogate each witness. The Committee, Examiner and Debtors shall confer to attempt to establish as to each oral examination authorized herein a lead interrogator.

6. If (a) the Committee, Examiner and Debtors are unable to agree upon a lead interrogator for any Rule 2004 oral examination or (b) the Examiner objects on the grounds of compromise of the Examiner's Independence (an "Independence Objection") to the presence of the Committee and/or the Debtors during any portion of an interrogation by the Examiner at any Rule 2004 oral examination, then the Committee, Examiner and Debtors shall confer to attempt to resolve such Independence Objection. In the event the Committee, Examiner and Debtors are unable to agree upon a lead interrogator or resolve an Independence Objection, the Court will resolve such dispute. If the Court decides that the Examiner should take a Rule 2004 oral examination without the Debtors and/or the Committee present, the Examiner will provide a transcript of the Rule 2004 oral

examination to either or both unless otherwise ordered by the Court.

7. Except as expressly provided in paragraph 6, all discovery material produced to the Debtors, Committee or the Examiner under Rule 2004, including without limitation documents, deposition transcripts, deposition exhibits and deposition videotapes ("Rule 2004 Material") shall be deemed to be produced to all of the Debtors, the Committee and the Examiner and shall be shared, in the form produced or in a manner otherwise agreed by the Debtors, Committee and the Examiner, between the Debtors, the Committee and the Examiner.

8. Objections available to Subpoena Parties following the issuance of subpoenas under Bankruptcy Rule 9016, other applicable Bankruptcy Rules, the local Bankruptcy Rules or applicable non-bankruptcy law, including, without limitation, objections based on lack of jurisdiction of the issuing court and/or privilege (including any privilege cognizable in this Court that arises under the laws of a foreign nation) are expressly preserved. This paragraph shall apply to each provision of this Order.

9. This Order shall be effective and enforceable immediately upon entry.

10. Subject to paragraph 8 above, this Court retains jurisdiction, if any, to resolve any disputes arising under or

related to this Order, including discovery disputes that may arise between or among the parties, and to interpret, implement, modify, amend, and/or enforce the provisions of this Order.

11. This Order is without prejudice to the rights (a) of the Committee or the Examiner to apply for further discovery of the Subpoena Parties, or of any other entity and (b) of any Subpoena Party or of any other entity to object to such further discovery.

Dated: September 19, 2002

s/Arthur J. Gonzalez
Honorable Arthur J. Gonzalez
United States Bankruptcy Judge

EXHIBIT 3

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Dennis J. Connolly (DC 9932)

Hearing Date: August 29, 2002 at 10:00 a.m. (EDT)
Objection Deadline: August 29, 2002 at 9:00 a.m. (EDT)

Counsel for Neal Batson

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: ENRON CORP., et al., Debtors.	§ Chapter 11 § § Case No. 01-16034 (AJG) § § Jointly Administered § §
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**NOTICE OF EMERGENCY MOTION OF NEAL BATSON, THE EXAMINER,
PURSUANT TO 11 U.S.C. §§ 105 AND 1106 FOR
AN ORDER EXPANDING THE SCOPE OF THE EXAMINER'S AUTHORITY**

PLEASE TAKE NOTICE that on the date hereof, Neal Batson, the Examiner appointed in this case on May 22, 2002, and approved on May 24, 2002 (the "Examiner"), filed the attached emergency motion (the "Emergency Motion") pursuant to 11 U.S.C. §§ 105 and 1106 for an order expanding the scope of the Examiner's authority.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested by the Emergency Motion shall be made in writing, shall state with particularity the grounds therefor, and shall be filed with this Court electronically in accordance with the Court's Amended Case Management Order dated February 26, 2002 (the "Amended Case Management Order"), by registered users of the Court's electronic case filing system and, by all other parties in interest, on a 3.5 inch disk, preferably in

Portable Document Format, WordPerfect, or any other Windows-based word processing format (with a hard copy delivered directly to Chambers), and shall be served in accordance with the Amended Case Management Order so as to be actually received not later than 9:00 a.m. on August 29, 2002 by Alston & Bird LLP, 1201 West Peachtree Street, Atlanta, Georgia 30309-3424, Attn: Dennis Connolly, Esq., and by the additional parties entitled to service pursuant to Paragraph 2 of the Amended Case Management Order.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served, an order granting the relief requested by the Emergency Motion may be approved and signed by the Court.

PLEASE TAKE FURTHER NOTICE that a hearing on this matter, if required, will be held in front of the Honorable Arthur J. Gonzalez, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408, on August 29, 2002, at 10:00 a.m. eastern daylight time.

PLEASE TAKE FURTHER NOTICE that any hearing convened on the Emergency Motion may be adjourned from time to time without further notice other than by announcement of such adjournment in Court on the date scheduled for the hearing.

This 28th day of August, 2002.

ALSTON & BIRD LLP

/s/ Dennis J. Connolly
DENNIS J. CONNOLLY (DC 9932)
Georgia Bar No. 182275
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000

Counsel for Neal Batson, the Examiner

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Dennis J. Connolly (DC 9932)

Hearing Date: August 29, 2002 at 10:00 a.m. (EDT)
Objection Deadline: August 29, 2002 at 9:00 a.m. (EDT)

Counsel for Neal Batson

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re	§ Chapter 11
	§
ENRON CORP., et al.,	§ Case No. 01-16034 (AJG)
	§
Debtors.	§ Jointly Administered
	§
	§

**EMERGENCY MOTION OF NEAL BATSON, THE EXAMINER,
PURSUANT TO 11 U.S.C. §§ 105 AND 1106 FOR AN ORDER
EXPANDING THE SCOPE OF THE EXAMINER'S AUTHORITY**

TO: THE HONORABLE ARTHUR J. GONZALEZ,
UNITED STATES BANKRUPTCY JUDGE

Neal Batson, the Examiner appointed in these cases (the "Examiner"), by his undersigned counsel, Alston & Bird LLP, files this Emergency Motion pursuant to 11 U.S.C. §§ 105 and 1106 seeking the entry of an Order of this Court, substantially in the form annexed hereto, modifying the scope of the Examiner's authority to permit the Examiner or his assignee to file claims, civil actions or adversary proceedings against current and former officers and directors and other insureds under the AEGIS Directors' and Officers' Insurance Policy (the "Policy") and any excess, umbrella or other insurance related thereto (the "Excess and Umbrella Policies," and collectively with the Policy, the "Policies"). Because of the exigent nature of this Emergency Motion and the urgency of the relief sought herein, the Examiner further requests that the Court waive normal notice requirements except for service

of the Emergency Motion on counsel to the above-captioned Debtors (the “Debtors”), counsel to the Creditors’ Committee, the United States Trustee, the Securities Exchange Commission and the other parties set forth in paragraph 24 herein.¹ In support of this Emergency Motion, the Examiner respectfully represents as follows:

I. PRELIMINARY STATEMENT

By this Emergency Motion, the Examiner seeks authorization to file claims, civil actions or adversary proceedings or other litigation (or to assign this right to others in accordance with any future order of the Court, as necessary), against current and former officers and directors and others covered by the Policy. As set forth in the excerpts of the Policy attached hereto as Exhibit B,² the Policy contains a common exclusion, often referred to as the “insured versus insured” exclusion, that will likely be used by the Insurer (as defined in the Policy) to deny any claims brought by the Debtors (themselves) in any litigation against any officers and directors or other insureds under the Policy. See Section III(K). By Endorsement No. 11 of the Policy, however, claims brought by **an examiner, trustee or their assignees** are not subject to this insured versus insured exclusion. Thus, Endorsement No. 11 permits and provides coverage in the event that an examiner or trustee in a bankruptcy proceeding brings a claim, civil action or adversary proceeding against any covered officers and directors. Out of an abundance of caution, in preserving this right and asset of the Debtors’ estates, the Examiner seeks to have the scope of the April 8, 2002 Order of this Court modified or clarified to include specifically the authority of the Examiner or his

¹ The Examiner has already notified the Debtors, the Creditors’ Committee, the United States Trustee, and the Securities Exchange Commission of his intention to file this Motion. See Exhibit A hereto.

² A complete copy of the Policy is available Docket No. 1005.

assignees to make claims and to file actions, against any officers or directors or other insureds under the Policy prior to the expiry of the relevant Policy period.

II. JURISDICTION AND STATUTORY PREDICATES

1. This Court has jurisdiction to consider this Emergency Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are Sections 105(a) and 1106(b) of Title 11 of the United States Code (the “Bankruptcy Code”).

III. BACKGROUND OF THE CASES

2. On December 2, 2001 (the “Petition Date”) and on certain dates thereafter, Enron Corp. (“Enron”) and certain of its affiliates filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors have continued to operate their businesses and manage their affairs as debtors in possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. Several motions having been filed in these cases requesting the appointment of a trustee or an examiner, the Court entered an Order on April 8, 2002 (the “Initial Examiner Order”) authorizing and directing the appointment of an Examiner pursuant to 11 U.S.C. § 1104(c) to inquire into, inter alia, all transactions (as well as all entities, as defined in the Bankruptcy Code, and prepetition professionals involved therein): (i) involving special purpose vehicles or entities created or structured by the Debtors or at the behest of the Debtors (the “SPEs”), that are (ii) not reflected on the Enron balance sheets, or that (iii) involve hedging using the Enron stock, or (iv) as to which the Examiner has the reasonable belief are reflected, reported or omitted in the relevant entity’s financial statements

not in accordance with generally accepted accounting principles, or that (v) involve potential avoidance actions against any prepetition insider or professional of the Debtors.

4. On May 22, 2002, the United States Trustee appointed Neal Batson as the Examiner. The United States Trustee's appointment of Neal Batson as Examiner was approved by this Court by Order dated May 24, 2002 (the "Supplemental Examiner Order," and together with the Initial Examiner Order, the "Examiner Orders"). The Examiner is a "party in interest" for all matters within the scope of his duties. See Initial Examiner Order at p. 4; Weld v. Robert A. Sweeney Agency, Inc. (In re Patton's Busy Bee Disposal Serv., Inc.), 182 B.R. 681, 686 (Bankr. W.D.N.Y. 1995) (holding that an examiner is a party in interest).

5. On May 28, 2002, the Examiner filed his application to retain Alston & Bird LLP as his counsel. On June 17, 2002, this Court entered an order approving that application.

IV. BACKGROUND OF THE EMERGENCY MOTION

6. In 1998, Enron purchased a Directors and Officers Liability Insurance Policy from Associated Electric & Gas Insurance Services Limited ("AEGIS"), Policy No. D0079A1A98. As noted above, this is referred to herein as the "Policy," and the relevant excerpts of the Policy are attached hereto as Exhibit B. The Policy, subject to its terms, conditions and exclusions, provides \$35 million of insurance coverage.

7. The Policy originally applied to covered "Claims" (as defined in the Policy) first asserted during the period from September 1, 1998 through September 1, 2001. The policy has been renewed and its current expiration date is September 1, 2002.

8. Enron supplemented the coverage provided under the Policy with a number of excess policies (as noted above, the "Excess and Umbrella Policies"), and collectively with the Policy, the "Policies") from a number of different insurance carriers (collectively with

AEGIS, the “D&O Insurers”). Total insurance coverage under all of the D&O Policies is at least \$350 million.³

9. The terms of the Policy contain what is normally referred to as an “insured versus insured” exclusion. See Section III(K). Generally speaking, this type exclusion is used by the insurer to deny coverage when one insured (for instance, the company) sues another insured (for instance, an officer or director).

10. Specifically, Section III(K) of the Policy states as follows:

The INSURER shall not be liable to make any payment for ULTIMATE NET LOSS arising from any CLAIM(S) made against any DIRECTOR or OFFICER:

(K) by, on behalf of, in the right of, at the request of, or for the benefit of, any security holder of the COMPANY, any DIRECTOR or OFFICER, or the COMPANY, unless such CLAIM is:

(1) made derivatively by any shareholder of the COMPANY for the benefit of the COMPANY and such shareholder is:

(a) acting totally independent of, and totally without the suggestion, solicitation, direction, assistance, participation or intervention of, any DIRECTOR or OFFICER, or the COMPANY; and

³ The Excess Insurers are as follows: Energy Insurance Mutual (“EIM”), policy no. 900630-00DO, \$65 million in excess of \$35 million; Federal Insurance Company, policy no. 8142-05-47, \$25 million in excess of \$100 million; Twin City Fire Insurance Company, policy no. NDA 0131301-98H, \$25 million in excess of \$125 million; Executive Liability Underwriters (“ELU”), policy no. ELU 82248-01, \$25 million in excess of \$150 million; Lloyd’s of London, policy no. 901/LK9802531, \$25 million in excess of \$175 million; St. Paul Fire and Marine Insurance Company, policy no. 568CM0934, \$25 million in excess of \$200 million; Federal Insurance Company, policy no. 8181-4314, \$25 million in excess of 225 million; Royal & SunAlliance, policy no. PSF000633, \$25 million in excess of \$250 million; ACE, policy no. ENE-9459D, \$25 million in excess of \$275 million; Federal Insurance Company, et al, policy no. 8179-41-03, \$50 million in excess of \$300 million. Total coverage: \$350 million. See Motion of Debtors for an Order Authorizing and Approving Direct Payment and/or Advancement of Defense Costs to Individual Defendants in Securities and Erisa Lawsuits Under Debtors’ Directors and Officers Liability Insurance and ERISA Fiduciary Liability Insurance Policies, p. 4 fn. 2.

(b) not any entity within the definition of the term "COMPANY"; or

(2) made non-derivatively by a security holder who is not:

(a) DIRECTOR or OFFICER; or

(b) any entity within the definition of the term "COMPANY";
or

(3) made non-derivatively by an OFFICER acting totally independent of, and totally without the suggestion, solicitation, direction, assistance, participation or intervention of, any other DIRECTOR or OFFICER, or the COMPANY and (subject to all the other exclusions and POLICY provisions) arising from the wrongful termination of that OFFICER.

11. Nevertheless, the Policy also contains a provision that provides coverage for claims against insureds "bought (sic) by the Examiner or Trustee of the Company, if any, or any assignee of such Examiner or Trustee." See Endorsement 11 of the Policy.

12. The current Policy expires by its terms on September 1, 2002 at 12:01 A.M.

13. The Debtors have the right under the Policy, for a 60-day period after September 1, 2002, to extend the period during which claims may be made for a period of 12, 24 or 36 months depending on the amount of additional premium paid. See Endorsement No. 9.

14. The Examiner has advised the Debtors of both Endorsement No. 11, providing coverage for suits filed by the Examiner against insureds, and Endorsement No. 9, giving the Debtors 60 days in which to purchase the extended period for reporting claims.

V. RELIEF REQUESTED

15. The Examiner seeks to preserve the value of this asset of the Debtors' estates, by foreclosing the ability of the D&O Insurers to assert that the passage of September 1, 2002 without the relief sought herein would bar the filing of a claim or notice or other legal action by the Examiner or his assigns. Therefore, by this Emergency Motion, the Examiner seeks the immediate modification of the April 8, 2002 Order regarding his authority of the Examiner or his assigns to file claims against insureds under the Policy.

16. Although the Examiner's investigation is ongoing, it is clear that the role of the officers and directors has been the focus of considerable attention by other entities, including the Department of Justice, the Securities and Exchange Committee, and the Senate Governmental Affairs Committee Permanent Subcommittee on Investigations.

17. Under Section III, Exclusion (K) of the Policy, the Debtor may be subject to the defense of the "insured versus insured" exclusion and unable to recover any portion of the potential \$350,000,000 in D&O coverage from the insured officers and directors. However, it appears that the D&O Insurers would not be able to assert the insured versus insured defense if the lawsuit was brought by the Examiner, or his assignee.

18. Accordingly, the Examiner seeks to have the scope of his authority, as set forth in the Initial Examiner Order, expanded to authorize him or his assignee to initiate litigation against any insured officer or director or other insured under the Policy, subject to consultation with the Court in the future regarding the procedures for the assertion of any such claims.

VI. BASIS FOR RELIEF

19. It is within the Court's discretion to delegate duties to the examiner, as appropriate. Specifically, 11 U.S.C. § 1106(b) states:

An examiner appointed under section 1104(c) of this title shall perform the duties specified in paragraphs (3) and (4) of subsection (a) of this section, and, except to the extent that the court orders otherwise, any other duties of the trustee that the court orders the debtor in possession not to perform.

20. In this case, the D&O Insurers may assert the defense provided by the "insured versus insured" exclusion in any litigation brought by Debtors alone against insureds under the Policy. However, by the very terms of the Policy, that defense is unavailable to the D&O Insurers if the Examiner or his assignee brings a claim against these insureds.

21. The relief sought herein is consistent with Section 1106 of the Bankruptcy Code. Additionally, the Court's general equitable powers, as codified in Section 105(a) of the Bankruptcy Code, provide further authority to grant the relief sought in the Emergency Motion. Section 105(a) empowers the Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]."

22. No previous motion for the relief sought herein has been made by the Examiner to this or any other Court.

23. Pursuant to Local Bankruptcy Rule for the Southern District of New York 9013-1(b), due to the emergency nature of relief sought, the Examiner respectfully requests that the Court waive the requirement that the Examiner file a memorandum of law in support of this Emergency Motion. The Examiner reserves the right to file a responsive memorandum to any objection that may be filed to this Emergency Motion.

VII. NOTICE

24. Pursuant to the Amended Case Management Order, dated February 26, 2002, the Examiner has provided notice of this Emergency Motion to: (i) the Debtors and their co-counsel, (ii) counsel to the Creditors' Committee, (iii) the Office of the United States Trustee, (iv) counsel to JP Morgan Chase, (v) counsel to Citibank, N.A., (vi) counsel to the Examiner appointed in the case of Enron North America, (vii) all parties that have requested notice pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure, (viii) counsel to the Employment-Related Issues Committee, and (ix) the SEC. The Examiner respectfully submits that such notice is adequate, and that no further notice is necessary. The Examiner respectfully submits that such notice is adequate because of the emergency nature of this Emergency Motion, and that no further notice is necessary.

WHEREFORE, the Examiner respectfully requests that this Court enter an order, substantially in the form attached hereto, (i) granting this Emergency Motion, (ii) authorizing the Examiner or his assignee to file lawsuits, on the terms set forth above, and (iii) granting such other relief that the Court deems just and appropriate.

This 28th day of August 2002.

ALSTON & BIRD LLP

/s/ Dennis J. Connolly
DENNIS J. CONNOLLY (DC 9932)
Georgia Bar No. 182275
WILLIAM C. HUMPHREYS, JR. (WH 2045)
Georgia Bar No. 378100
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000

Counsel for Neal Batson, the Examiner

EXHIBIT “A”

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

William C. Humphreys, Jr.

Direct Dial: 404-881-7243

E-mail: bhumphreys@alston.com

August 27, 2002

**TELECOPY NO. (212) 213-1749
and UPS Overnight Mail**

Mr. Stephen F. Cooper
Enron Corp. Chief Executive Officer and
Chief Restructuring Officer
Zolfo Cooper, LLC
292 Madison Avenue
New York, New York 10017

**TELECOPY NO. (713) 213-1749
and UPS Overnight Mail**

Mr. Stephen F. Cooper
Chief Executive Officer and
Chief Restructuring Officer
Enron Corp.
1400 Smith Street
Houston, Texas 77002-7361

Dear Mr. Cooper:

This letter is written on behalf of the Examiner in the Enron Chapter 11 proceeding.

Endorsement No. 11 to the Enron Corp. ("Company") directors and officers insurance policy (AEGIS Policy D0079A1A98) provides coverage for claims "bought (sic) by the Examiner or Trustee of the COMPANY, if any, or any assignee of such by the Examiner or Trustee." There may be claims against officers and directors and others covered by the Policy that the Examiner would be authorized by the Court to bring or to assign to others to bring as provided by the policy.

By its terms, the D&O policy expires on September 1, 2002. The Examiner does not know whether the Company or the Insurance Carrier has renewed or declined to renew the policy beyond that date.

The policy provides that if it is cancelled or not renewed by the Company:

the COMPANY shall have the right upon payment of an additional premium, of 50%, 110% or 135%, respectively, of the Rated Premium, to an extension of the coverage afforded by this POLICY with to [sic] any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12), twenty-four (24) or thirty-six (36) months, respectively, after the effective date of such cancellation or nonrenewal,

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
704-444-1000
Fax: 704-444-1111

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

601 Pennsylvania Avenue, N.W.
North Building, 10th Floor
Washington, DC 20004-2601
202-756-3300
Fax: 202-756-3333

but only with respect to any WRONGFUL ACT during the COVERAGE PERIOD. **This right of extension shall terminate unless written notice of such election is received by the INSURER within sixty (60) days after the effective date of cancellation or nonrenewal.** (Emphasis added). Endorsement No. 9

The policy further provides that:

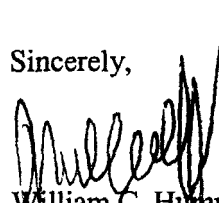
In the event of cancellation or nonrenewal of this POLICY by the INSURER, the COMPANY shall have the right, upon payment of an additional premium of 75% of the Rated Premium, to an extension of the coverage afforded by this POLICY with [sic] to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12) months after the effective date of such cancellation or nonrenewal, but only with respect to any WRONGFUL ACT committed during the COVERAGE PERIOD. This right of extension shall terminate unless written notice of such election is received by the INSURER within sixty (60) days after the effective date of cancellation or nonrenewal. Endorsement No. 9

We urge that the Company take immediate action, if it has not already done so, to extend the coverage afforded by the policy for claims that may be brought by the Examiner or his assignees against officers and directors. This extension is necessary to protect the ability of the Examiner or his assignees to bring claims against the officers and directors. The Carrier may seek to deny coverage for claims brought by the Company alone because they are claims brought by an insured (the Company) against another insured (the officers and directors).

It is the intention of the Examiner to seek an immediate order from the Court during the current term of the Policy that expires September 1, 2002, allowing the Examiner or such assignees as approved by the Court to bring claims in accordance with Endorsement No. 11.

I would appreciate your advising me that the Company has taken the necessary action to extend this policy.

Sincerely,



William C. Humphreys, Jr.

Mr. Stephen F. Cooper

August 27, 2002

Page 3

cc: Martin J. Bienenstock, Esq. (Telecopy No. 212-310-8007 and overnight mail)
Luc A. Despins, Esq. (Telecopy No. 212-822-5660 and overnight mail)
Stephen D. Lerner (Telecopy No. 513-361-1201 and overnight mail)
Greg A. Danilow, Esq. (Telecopy No. 212-310-8007)
Richard C. Tufaro, Esq. (Telecopy No. 202-835-7586)
David R. Berz, Esq. (Telecopy No. 202-857-0939)
Richard Rothman (Telecopy No. 212-310-8285)

EXHIBIT “B”

DIRECTORS AND OFFICERS LIABILITY INSURANCE POLICY

THIS IS A "CLAIMS-FIRST-MADE" INSURANCE POLICY. PLEASE READ IT CAREFULLY.

*Words and phrases which appear in all capital letters have the special meanings set forth in
Section II. Definitions*



DECLARATIONS

POLICY NO. D0079A1A98

DECLARATIONS NO. 1

Item 1: This POLICY provides indemnification with respect to the DIRECTORS and OFFICERS of:

Enron Corp.
1400 Smith Street
Houston, TX 77002

Item 2: POLICY PERIOD: from the 1st day of September, 1998, to the 1st day of
September, 1999 both days at 12:01 A.M. Standard Time at the address of the COMPANY.

Item 3: RETROACTIVE DATE: the 2nd day of May, 1985 at 12:01 A.M. Standard Time
at the address of the COMPANY.

Item 4: A. POLICY PREMIUM: \$ 0.
B. MINIMUM PREMIUM: \$ 0.

Item 5: Limits of Liability:
A. \$ 35,000,000 Each WRONGFUL ACT
B. \$ 35,000,000 Aggregate Limit of Liability for the POLICY PERIOD

Item 6: UNDERLYING LIMITS:
This POLICY is written as primary Insurance

A. If this POLICY is written as Primary Insurance with respect to Insuring Agreement I(A)(2) only:
(1) \$ 1,000,000 Each WRONGFUL ACT not arising from NUCLEAR
OPERATIONS
(2) \$ 1,000,000 Each WRONGFUL ACT arising from NUCLEAR
OPERATIONS

DECLARATIONS

continued

POLICY NO. D0079A1A98

DECLARATIONS NO. 1

B. If this POLICY is written as Excess Insurance:

- (1) (a) \$ _____ Each WRONGFUL ACT
- (b) \$ _____ In the Aggregate for all WRONGFUL ACTS
- (2) \$ _____ Each WRONGFUL ACT not covered under Underlying Insurance
- (3) In the Event of Exhaustion of the UNDERLYING LIMIT stated in Item 6(B)(1)(b) above with respect to Insuring Agreement I(A)(2) only:
 - (a) \$ _____ Each WRONGFUL ACT not arising from NUCLEAR OPERATIONS
 - (b) \$ _____ Each WRONGFUL ACT arising from NUCLEAR OPERATIONS

Item 7: Any notice to be provided or any payment to be made hereunder to the COMPANY shall be made to:

NAME Mr. Jim Bouillion
 TITLE Senior Director, Corporate Risk Management
 ENTITY Enron Corp.
 ADDRESS P.O. Box 1188
 Houston, TX 77251-1188

Item 8: Any notice to be provided or any payment to be made hereunder to the INSURER shall be made to:

NAME AEGIS Insurance Services, Inc.
 ADDRESS 10 Exchange Place
 Jersey City, New Jersey 07302

ENDORSEMENTS ATTACHED AT POLICY ISSUANCE: 1-24

Countersigned at Jersey City, New Jersey

On November 17, 1998

AEGIS Insurance Services, Inc.

By *Robert X. Platon*
 Authorized Representative

- (2) with respect to coverage afforded such CLAIM(S) by any other policy or policies purchased or issued specifically as insurance underlying or in excess of the coverage afforded under this POLICY;

provided always that nothing herein shall be construed to cause this POLICY to contribute with any other policy or policies or to make this POLICY subject to any of the terms of any other policy or policies.

(J) for any WRONGFUL ACT which took place in whole or in part prior to the RETROACTIVE DATE.

(K) by, on behalf of, in the right of, at the request of, or for the benefit of, any security holder of the COMPANY, any DIRECTOR or OFFICER, or the COMPANY, unless such CLAIM is:

(1) made derivatively by any shareholder of the COMPANY for the benefit of the COMPANY and such shareholder is:

(a) acting totally independent of, and totally without the suggestion, solicitation, direction, assistance, participation or intervention of, any DIRECTOR or OFFICER, or the COMPANY; and

(b) not any entity within the definition of the term "COMPANY"; or

(2) made non-derivatively by a security holder who is not:

(a) a DIRECTOR or OFFICER; or

(b) any entity within the definition of the term "COMPANY"; or

(3) made non-derivatively by an OFFICER acting totally independent of, and totally without the suggestion, solicitation, direction, assistance, participation or intervention of, any other DIRECTOR or OFFICER, or the COMPANY and (subject to all the other exclusions and POLICY provisions) arising from the wrongful termination of that OFFICER.

(L) where such CLAIM(S) arise out of such DIRECTOR'S or OFFICER'S activities as a director, officer or trustee of any entity other than:

(1) the COMPANY; or

(2) any outside NOT-FOR-PROFIT ORGANIZATION as provided in Section II(E)(2).

IV. CONDITIONS

(A) Acquisition, Merger and Dissolution

(1) (a) If, after the inception of the POLICY PERIOD,

(i) the COMPANY or any of its SUBSIDIARIES forms or acquires any SUBSIDIARY or acquires any entity by merger into or consolidation with the COMPANY or any SUBSIDIARY, and

(ii) the operations of such formed or acquired entity are related to, arising from or associated with the production, transmission, delivery or furnishing of electricity, gas, water or sewer service to the public or the conveyance of telephone messages for the public; and

(iii) the total assets of such formed or acquired entity are not greater than the lesser of \$100,000,000 or ten percent (10%) of the COMPANY'S total assets,

coverage shall be provided for the DIRECTORS and OFFICERS of such entity from the date of formation, acquisition, merger or consolidation, respectively, but only with respect to WRONGFUL ACTS actually or allegedly caused, committed or attempted during that part of the POLICY PERIOD which is subsequent to the formation, acquisition, merger or consolidation.

(b) In respect of any SUBSIDIARY formed or acquired after the inception of the POLICY PERIOD and not subject to paragraph (a) above, or of any entity acquired by merger into or consolidation with the COMPANY or any SUBSIDIARY after the inception of the POLICY PERIOD and not subject to

(L) DISCOVERY PERIOD

- (1) In the event of cancellation or nonrenewal of this POLICY by the INSURER, the COMPANY shall have the right, upon execution of a warranty that all known CLAIMS and facts or circumstances likely to give rise to a CLAIM have been reported to the INSURER and payment of an additional premium to be determined by the INSURER which shall not exceed two hundred percent (200%) of the Policy Premium stated in Item 4 of the Declarations, to an extension of the coverage afforded by this POLICY with respect to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12) months after the effective date of such cancellation or nonrenewal, but only with respect to any WRONGFUL ACT committed during the COVERAGE PERIOD. This right of extension shall terminate unless written notice of such election is received by the INSURER within thirty (30) days after the effective date of cancellation or nonrenewal.

The offer by the INSURER of renewal on terms, conditions or premiums different from those in effect during the POLICY PERIOD shall not constitute cancellation or refusal to renew this POLICY.

- (2) In the event of cancellation or nonrenewal of this POLICY by the COMPANY, the COMPANY shall have the right upon payment of an additional premium, which shall not exceed one hundred percent (100%) of the Policy Premium stated in Item 4 of the Declarations, to an extension of coverage afforded by this POLICY with respect to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12) months after the effective date of such cancellation or nonrenewal, but only with respect to any WRONGFUL ACT during the COVERAGE PERIOD. This right of extension shall terminate unless written notice of such election is received by the INSURER within thirty (30) days after the effective date of cancellation or nonrenewal.
- (3) In the event of renewal on terms and conditions different from those in effect during the POLICY PERIOD, the COMPANY shall have the right, upon execution of a warranty that all known CLAIMS and facts or circumstances likely to give rise to a CLAIM have been reported to the INSURER and payment of an additional premium to be determined by the INSURER which shall not exceed two hundred percent (200%) of the Policy Premium stated in Item 4 of the Declarations, to an extension of the original terms and conditions with respect to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12) months after the effective date of renewal, but only with respect to any WRONGFUL ACT committed during the COVERAGE PERIOD and not covered by the renewal terms and conditions. This right of extension shall terminate unless written notice of such election is received by the INSURER within thirty (30) days after the effective date of renewal.

(M) Cancellation

This POLICY may be cancelled:

- (1) at any time by the COMPANY by mailing written notice to the INSURER stating when thereafter cancellation shall be effective; or
- (2) at any time by the INSURER by mailing written notice to the COMPANY stating when, not less than ninety (90) days from the date such notice was mailed, cancellation shall be effective, except in the event of cancellation for nonpayment of premiums, such cancellation shall be effective ten (10) days after the date notice thereof is mailed.

The proof of mailing of notice to the address of the COMPANY stated in Item 7 of the Declarations or the address of the INSURER stated in Item 8 of the Declarations shall be sufficient proof of notice and the insurance under this POLICY shall end on the effective date and hour of cancellation stated in the notice. Delivery of such notice either by the COMPANY or by the INSURER shall be equivalent to mailing.

With respect to all cancellations, the premium earned and retained by the INSURER shall be the sum of (a) the Minimum Premium stated in Item 4B of the Declarations plus (b) the pro-rata proportion, for the period this POLICY has been in force, of the difference between (i) the Policy Premium stated in Item 4A of the Declarations and (ii) the Minimum Premium stated in Item 4B of the Declarations.

The offer by the INSURER of renewal on terms, conditions or premiums different from those in effect during the POLICY PERIOD shall not constitute cancellation or refusal to renew this POLICY.

ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED

Endorsement No. 1D Effective Date of Endorsement September 1, 2001Attached to and forming part of POLICY No. D0079A1A98COMPANY Enron Corp.

It is understood and agreed that this POLICY is hereby amended as indicated. All other terms and conditions of this POLICY remain unchanged.

MULTI-YEAR POLICY ENDORSEMENT

- (1) Item 2 of the Declarations is deleted in its entirety and replaced with the following:

Item 2: POLICY PERIOD: from the 1st day of September, 1998 to the 1st day of September, 2002 both days at 12:01 A.M. Standard Time at the address of the COMPANY.

- (2) Item 5 of the Declarations is deleted in its entirety and replaced with the following:

Item 5: Limits of Liability:

A. \$ 35,000,000

Each WRONGFUL ACT

B. \$ 35,000,000

Aggregate Limit of Liability each POLICY YEAR

- (3) Section I "Insuring Agreement" is amended by deleting the phrase "the POLICY PERIOD" and replacing it with the phrase "each POLICY YEAR" in Paragraphs (B)(1)(a) and (B)(2).

- (4) A CLAIM shall be deemed to be made during the POLICY YEAR the CLAIM is first made, or the time of the original notice of circumstances which gives rise to the CLAIM is given, whichever is earlier. A CLAIM which is made (in accordance with the foregoing) during the DISCOVERY PERIOD shall be deemed to be made during the POLICY YEAR last preceding the expiration and non-renewal or the cancellation of the POLICY, whichever is applicable.

- (5) Section II "Definitions" is amended by adding the following:

(L-1) POLICY YEAR

The term "POLICY YEAR" shall mean the annual period commencing on either the first day of the POLICY PERIOD or a twelfth month anniversary date thereof and terminating on either the succeeding twelfth month anniversary date thereof or the last day of the POLICY PERIOD.

- (6) Item 4 of the Declarations is deleted in its entirety and replaced with the following:

Item 4: A. POLICY PREMIUM:

(1 of 2)

5235 (1/2000)

Received Time Oct. 25. 1:54PM

Print Time Oct. 25. 2:04PM



ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED

Endorsement No. 9 Effective Date of Endorsement September 1, 1998

Attached to and forming part of POLICY No. D0079A1A98

COMPANY Enron Corp.

It is understood and agreed that this POLICY is hereby amended as indicated. All other terms and conditions of this POLICY remain unchanged.

AMENDED DISCOVERY PERIOD ENDORSEMENT

Section IV. Conditions DISCOVERY PERIOD (L) is replaced with the following:

- (1) In the event of cancellation or nonrenewal of this POLICY by the INSURER, the COMPANY shall have the right, upon payment of an additional premium of 75% of the Rated Premium, to an extension of the coverage afforded by this POLICY with to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12) months after the effective date of such cancellation or nonrenewal, but only with respect to any WRONGFUL ACT committed during the COVERAGE PERIOD. This right of extension shall terminate unless written notice of such election is received by the INSURER within (60) days after the effective date of cancellation or nonrenewal.
- (2) In the event of cancellation or nonrenewal of this POLICY by the COMPANY, the COMPANY shall have the right upon payment of an additional premium of 50%, 110% or 135%, respectively, of the Rated Premium, to an extension of the coverage afforded by this POLICY with to any CLAIM first made against any DIRECTOR or OFFICER during the period of twelve (12), twenty-four (24) or thirty-six (36) months, respectively, after the effective date of such cancellation or nonrenewal, but only with respect to any WRONGFUL ACT committed during the COVERAGE PERIOD. This right of extension shall terminate unless written notice of such election is received by the INSURER within (60) days after the effective date of cancellation or nonrenewal.
- (3) In the event more than 50% of the COMPANY'S outstanding securities or financial interest representing the present right to vote for the election of directors is acquired by another entity or the COMPANY emerges from bankruptcy, the COMPANY shall have the right, upon payment of an additional premium of 125% and 175%, respectively, of the Rated



ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED

Endorsement No. 11 Effective Date of Endorsement September 1, 1998

Attached to and forming part of POLICY No. D0079A1A98

COMPANY Enron Corp.

It is understood and agreed that this POLICY is hereby amended as indicated. All other terms and conditions of this POLICY remain unchanged.

AMENDED INSURED VERSUS INSURED EXCLUSION ENDORSEMENT

Section III, Exclusion (K) is amended by the addition of the following:

- (4) brought by or against an employee;
- (5) brought by a DIRECTOR or OFFICER in the form of a cross-claim or third party claim for contribution or indemnity, which is part of and results directly from, a CLAIM, which is not otherwise excluded by the POLICY;
- (6) brought in any bankruptcy proceeding by or against the COMPANY any Claim bought by the Examiner or Trustee of the COMPANY, if any, or any assignee of such Examiner or Trustees
- (7) brought in a jurisdiction other than the United States of America, its territories and possessions; and subject to the substantive and procedural laws of a jurisdiction other than the United States of America, its territories and possessions.

Signature of Authorized Representative

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Dennis J. Connolly (DC 9932)

Counsel for Neal Batson

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re	§ Chapter 11
	§
ENRON CORP., et al.,	§ Case No. 01-16034 (AJG)
	§
Debtors.	§ Jointly Administered
	§
	§

**ORDER CLARIFYING THE APRIL 8, 2002 ORDER TO AUTHORIZE THE
EXAMINER TO FILE LAWSUITS AGAINST THE OFFICERS AND
DIRECTORS, PURSUANT TO 11 U.S.C. §§ 105 AND 1106**

Upon the Emergency Motion (the "Emergency Motion"), dated August 28, 2002 of Neal Batson, the Examiner appointed in these cases (the "Examiner"), pursuant to 11 U.S.C. §§ 105 and 1106 (the "Bankruptcy Code") for modification of the April 8, 2002 Order to authorize him or his assignee to bring claims against any officer or director or other insured under the Policy (as defined in the Motion); and finding that good cause exists to grant the Emergency Motion; and finding that notice of the Emergency Motion is adequate, and that no further notice is necessary; accordingly, it is hereby

ORDERED, that the Emergency Motion is granted; and it is further

ORDERED, that, effective immediately, the Examiner or his assignee, subject to consultation with the Court, shall have the authority to file claims, and/or initiate civil actions or adversary proceedings or other litigation against the directors and officers and other insureds under the Policy and the Excess and Umbrella Policies (as defined in the

Motion) relating to the Policy insureds and to provide notice of claims to be filed as the Examiner deems appropriate; and it is further

ORDERED, that given the nature of the Emergency Motion, the notice set forth in the Emergency Motion is satisfactory and no further notice is required.

Dated: New York, New York
_____, 2002.

ARTHUR J. GONZALEZ
UNITED STATES BANKRUPTCY JUDGE

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777
Dennis J. Connolly (DC 9932)

Counsel for Neal Batson

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	§ Chapter 11
	§
	§ Case No. 01-16034 (AJG)
ENRON CORP., et al.,	§
	§ Jointly Administered
Debtors.	§
	§

**DECLARATION OF WILLIAM C. HUMPHREYS, JR. IN SUPPORT OF THE
EMERGENCY MOTION OF NEAL BATSON, THE EXAMINER,
PURSUANT TO 11 U.S.C. §§ 105 AND 1106 FOR AN
ORDER EXPANDING THE SCOPE OF THE EXAMINER'S AUTHORITY**

1. I am a partner of Alston & Bird LLP, which is counsel to Neal Batson, the Examiner appointed in this case on May 22, 2002, and approved on May 24, 2002 (the "Examiner").

2. I make this declaration in support of the Examiner's emergency motion pursuant to 11 U.S.C. §§ 105 and 1106 for an order expanding the scope of the Examiner's authority (the "Emergency Motion").

3. The Emergency Motion seeks to clarify and expand the authority of the Examiner to bring claims, give notices and file civil actions and adversary proceedings against directors, officers and other insiders under the AEGIS Directors' and Officers'

Liability Policy (the "Policy"). The Emergency Motion is urgent, and requires immediate relief from this Court.

4. The Policy expires by its terms at 12:01 a.m. on September 1, 2002. As discussed in the Emergency Motion, if the authority of the Examiner to bring claims under the Policy through Endorsement No. 11, which permits claims by the Examiner as an exception to the "insured v. insured" provisions, is not approved by the expiration date, the insurer(s) thereunder or other parties may raise the issue of untimely authority to file claims, as a coverage or claims defense.

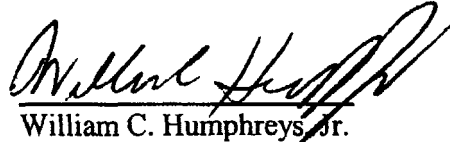
5. To prevent the assertion of this defense, the Examiner respectfully asserts that the power of the Examiner or his assignee to bring claims, give notices and file civil actions and adversary proceedings against the insurer(s) under the Policy (and any umbrella and excess policies related thereto during the time the Policy is in force) should be granted via an order of this Court on the Emergency Motion.

6. No previous motion or application has been made in this case in this or any other court.

7. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my personal knowledge.

This 28th day of August, 2002.

ALSTON & BIRD LLP



William C. Humphreys, Jr.
Georgia Bar No. 378100
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000

Counsel for Neal Batson, the Examiner

EXHIBIT 4

UNITED STATES BANKRUPTCY COURT
Southern District of New York

In re: ENRON CORP., et. al.,

Case No. 01-16034 (AJG)

Debtor.

Chapter 11, Jointly Administered

**RESPONSES AND OBJECTIONS OF RICHARD A. CAUSEY TO
SCHEDULE OF DOCUMENTS TO BE PRODUCED ATTACHED
TO THE SUBPOENA FOR RULE 2004 EXAMINATION**

TO: Neal Batson as Examiner, by and through his attorney of record, William C. Humphreys, Jr., Alston & Bird LLP, 1201 W. Peachtree Street, Atlanta, GA 30309

Pursuant to Rule 45(c) of the Federal Rules of Civil Procedure, as incorporated by Rules 2004(c) and 9016 of the Bankruptcy Rules, non-party, Richard A. Causey serves these objections and responses to Examiner Neal Batson's (the "Examiner") Subpoena for Rule 2004 Examination ("subpoena") as set forth below. Causey submits the following objections to the subpoena without consenting or submitting to the jurisdiction of the United States Bankruptcy Court for the Southern District of New York. By serving their objections on the Examiner's subpoena as required by Rule 45, Causey is not seeking to participate in the Chapter 11 case captioned above. Causey expressly reserves the right to contest the jurisdiction of the United States Bankruptcy Court for the Southern District of New York to resolve any disputes that may arise as a result of these objections.

I. GENERAL OBJECTIONS

The following General Objections apply to each and every request, and are incorporated as if stated in full in each and every response:

1. FIFTH AMENDMENT: Causey asserts his right not to testify or produce documents pursuant his right under the Fifth Amendment to the United States Constitution and the Act of Production Privilege.

2. INSUFFICIENT SERVICE: Causey objects to the subpoena to the extent that it was served by UPS or by certified mail and not by personal delivery as required by Federal Rule of Civil Procedure 45(b)(1) and Bankruptcy Rule 9016. Causey has not been properly served with the subpoena.

3. SERVICE AND PRODUCTION BEYOND APPLICABLE TERRITORIAL LIMITS: Causey objects to the subpoena to the extent it was issued by the Bankruptcy Court for the Southern District of New York and commands Causey to produce and permit inspection and copying of the requested documents in New York, New York. Causey was served with the subpoenas at his residence in Texas which is both outside the district of the court from which the subpoena was issued and beyond 100 miles of the place of production in violation of Federal Rule of Civil Procedure 45(b)(2) and 45(c)(3)(ii) and Bankruptcy Rule 9016 and 2004(c). The subpoena is null and void.

4. VIOLATES STAY OF DISCOVERY ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS: Causey objects to the subpoena to the extent that it requests production of documents that would violate the stay of discovery in effect under the Private Securities Litigation Reform Act in connection with the Multidistrict Litigation entitled, CA No. H-01-3624 and Consolidated Cases; *Mark Newby, et al. v. Enron Corporation, et al.*, pending in the United States District Court, Southern District of Texas, Houston Division.

5. THE REQUESTS EXCEED THE SCOPE OF THE EXAMINER'S AUTHORITY: Causey objects to the requests in the subpoena to the extent that they exceed the scope of the Examiner's authority under the Court's April 8, 2002 Order or any subsequent applicable order. The April 8, 2002 Order directed the appointment of an Examiner as follows:

ORDERED that the Enron Examiner shall have the authority and power to investigate all transactions (as well as all entities as defined in the Bankruptcy Code and pre-petition professionals involved therein): (i) involving special purpose vehicles or entities created or structured by the Debtors or at the behest of the Debtors (the "SPEs"), that are (ii) not reflected on the Enron Corp. balance sheets, or that (iii) involve hedging using the Enron Corp. stock, or (iv) as to which the Enron Examiner has the reasonable belief are reflected, reported or omitted in the relevant entity's financial statements not in accordance with generally accepted accounting principles, or that (v) involve potential avoidance actions against any prepetition insider or professional of the Debtors.

The Order made clear that the scope of the Examiner's duties, powers, and responsibilities are limited to the investigations described above, and Causey objects to the extent the subpoena attempts to expand on these duties, powers, and responsibilities.

6. THE DISCOVERY SOUGHT IS BROADER THAN WHAT THE EXAMINER SOUGHT FROM THE BANKRUPTCY COURT: Causey objects to the subpoena to the extent that it differs from and adds to the requests set forth in the subpoena actually approved by the Bankruptcy Court pursuant to the Examiner's Motion Pursuant to Federal Rule of Bankruptcy Procedure 2004 for an Order Directing the Production of Documents.

7. THE FEDERAL RULES OF CIVIL PROCEDURE RATHER THAN BANKRUPTCY RULE 2004 SHOULD APPLY TO THIS DISCOVERY: Causey objects to these requests as being served under Bankruptcy Rule 2004. The bankruptcy court has entered orders indicating that the Examiner should coordinate and share Rule 2004 discovery with the Unsecured Creditors Committee. The Unsecured Creditors Committee has now brought suit in the District Court of Montgomery County, Texas. Consequently, Rule 2004 discovery, which can only be pursued in the absence of an adversary or contested proceeding, is no longer proper since one of the recipients of any such Rule 2004 discovery has brought litigation and must conduct discovery under the rules of procedure governing that action.

8. BURDENSOME: Causey further objects to the subpoena to the extent it seeks multiple productions of the same documents from multiple defendants through 240 separate requests, particularly when the same documents are either already in the possession, custody and control of the debtor or the Examiner, or are publicly available. Such a request subjects Causey to undue burden. Causey intends to limit his document production to those responsive documents that are in his personal files, and does not intend to produce documents obtained by their counsel through Enron or through other parties who have an obligation to produce documents in this proceeding. To the extent that Causey's counsel has received any documents from Enron, his counsel has not been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey does not have access to files or documents other than those obtained as an employee and retained in his personal files. Further, Causey objects to the subpoena on the ground that it is so broad and extensive that it would be unreasonable to expect him to incur the substantial costs of compliance, including attorneys' fees. Finally, Causey objects to the subpoena to the extent that it seeks to command the production of a privilege log, given the extent to which the only responsive documents are within the attorney-client and work-product privileges.

9. CONFIDENTIAL INFORMATION: Causey objects to the subpoena to the extent it seeks confidential or proprietary business or personal information. Causey will not produce any appropriately discoverable confidential or proprietary business or personal information until an appropriate protective order has been entered.

10. ATTORNEY CLIENT AND OTHER PRIVILEGE: Causey objects to the Examiner's subpoena to the extent it seeks to discover information or documents subject to the

attorney work product (including documents obtained by Causey's counsel from sources other than Causey) or attorney-client privileges, including materials subject to a joint defense privilege, or any other privilege or exemption, including privileges and rights conferred by the United States Constitution (including the Fifth Amendment thereto), the Texas Constitution (including Section 10 of the Bill of Rights thereto), or any other federal, state, or applicable law. Furthermore, in connection therewith, Causey objects to producing a privilege log. Causey is involved in active pending litigation relating to his involvement with Enron Corp. Consequently, Causey's attorneys have extensive files containing clearly privileged information, and if these requests are read broadly, such privileged materials may well be implicated. It would create an enormous undue burden and expense to require such materials to be recorded on a privilege log.

11. DOCUMENTS BEYOND CONTROL: Causey objects to the Examiner's subpoena to the extent it seeks information or documents not within Causey's possession, custody, or control, including, but not limited to, documents belonging to his family members.

12. POST PETITION DOCUMENTS: Causey objects to each request to the extent that it seeks production of post bankruptcy petition documents. Such documents are not relevant and are beyond the scope of discovery permitted by Bankruptcy Rule 2004.

13. BEYOND THE SCOPE OF RULES: Causey objects to the subpoena to the extent that it seeks to impose requirements or obligations which are inconsistent with or beyond those required of non-parties under Federal Rule of Civil Procedure 34 and 45, Bankruptcy Rules 2004(c) and 9016.

14. Causey's objections and responses to the subpoena are based upon information known to them at this time and upon a diligent search for documents. Although Causey is not obligated to

update this response, he reserves the right to supplement the objections and responses to the subpoena.

II. OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Causey objects to the definitions and instructions accompanying the Examiner's subpoena to the extent they seek to expand or modify any requirement imposed by the Federal Rules of Civil Procedure, the Bankruptcy Code or the Bankruptcy Rules and to the extent that they are inconsistent with or seek to increase the duties of any of them under those rules. Causey objects to the Examiner's definitions and instructions to the extent that they require information that would otherwise not be discoverable under the Federal Rules of Civil Procedure. Causey reserves the right to present additional objections to the Examiner's subpoena, including but not limited to objections based on Constitutional, statutory, and/or common law privileges, in the event such objections otherwise become appropriate.

2. Causey objects to Definition No. 1 ("Document") on the ground that it is overly broad, unduly burdensome and exceeds the scope of discovery permitted against non-parties under the Federal Rules of Civil Procedure and the Bankruptcy rules. For example, the definition impermissibly seeks documents that were "at any time" in the possession, custody or control of Causey and documents in the possession, custody or control of his attorneys.

3. Causey objects to Definition No. 2 ("Concerning") on the grounds that it is overly broad, and Causey objects to each and every request using this defined word on the grounds that such request is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

4. Causey objects to Definition No. 3 ("Enron") as vague, ambiguous, and overly broad

to the extent it refers to representatives, advisors, agents, attorneys, associates or any other person acting on his behalf.

5. Causey objects to Definition No. 7 ("you" and "your") as vague, ambiguous, and overly broad to the extent it refers to past or present employees, partners, agents, representative, officers, attorneys, or other persons or entities acting or purporting to act for or on your behalf.

6. Causey objects to Definition No. 9 ("Enron-Related Entity") as vague, ambiguous, overly broad and calls for a legal conclusion to the extent that it includes "any entity in or as to which Enron and/or any Enron employee, officer or director exercised control, directly or indirectly, or held an ownership interest."

7. Causey objects to instruction No. 1 on the ground that it is overly broad and unduly burdensome, especially to the extent the subpoena seeks documents prepared prior to January 1, 1997 or after the departure date of Causey.

8. Causey objects to Instruction Nos. 2, 4, 5, 6 and 8 on the ground that they are vague and impose upon him duties and obligations not provided for by the Bankruptcy Rules or Federal Rule of Civil Procedure 34. Accordingly, Causey will not follow a procedure that is not required by the rules.

9. Causey objects to Instruction No. 10 to the extent it includes his attorneys.

III. SPECIFIC RESPONSES AND OBJECTIONS

REQUEST FOR PRODUCTION NO. 1:

All documents concerning Al Rajhi, or a project, transaction or series of transactions known or referred to as Al Rajhi.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 2:

All documents concerning Anhinga, L.P., or a project, transaction or series of transactions known or referred to as Anhinga, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 3:

All documents concerning APEA, or a project, transaction or series of transactions known or referred to as APEA.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 4:

All documents concerning Apache, or a project, transaction or series of transactions known or referred to as Apache.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 5:

All documents concerning Atlantic Water Trust, or a project, transaction or series of transactions known or referred to as Atlantic Water Trust.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 6:

All documents concerning Backbone, or a project, transaction or series of transactions known or referred to as Backbone.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 7:

All documents concerning Bammel Gas Trust, or a project, transaction or series of transactions known or referred to as Bammel Gas Trust, BAM Lease Company Synthetic Lease, or Project Triple Lutz.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 8:

All documents concerning BCI Note, or a project, transaction or series of transactions known or referred to as BCI Note.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 9:

All documents concerning Big Doe, LLC, or a project, transaction or series of transactions known or referred to as Big Doe, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 10:

All documents concerning Bighorn, or a project, transaction or series of transactions known or referred to as Bighorn.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 11:

All documents concerning Big River Funding, LLC, or a project, transaction or series of transactions known or referred to as Big River Funding, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning Blue Heron I, LLC, or a project, transaction or series of transactions known or referred to as Blue Heron I, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 13:

All documents concerning Bob West Treasure, or a project, transaction or series of transactions known or referred to as Bob West Treasure.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 14:

All documents concerning Bobcat, or a project, transaction or series of transactions known or referred to as Bobcat.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 15:

All documents concerning Braveheart, or a project, transaction or series of transactions known or referred to as Braveheart.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning Brazos (VPP), or a project, transaction or series of transactions known or referred to as Brazos (VPP).

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 17:

All documents concerning Brazos Office Building Lease (involving the Enron corporate headquarters building at 1400 Smith Street, Houston, TX) or Brazos Office Building Synthetic Lease, or a project, transaction or series of transactions known or referred to as, Brazos Office Building Lease or Brazos Office Building Synthetic Lease.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that

are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 18:

All documents concerning Bristol Water Trust, or a project, transaction or series of transactions known or referred to as Bristol Water Trust.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 19:

All documents concerning Broadband, or a project, transaction or series of transactions known or referred to as Broadband.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 20:

All documents concerning Cash 4, or a project, transaction or series of transactions known or referred to as Cash 4.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 21:

All documents concerning Cash 5, or a project, transaction or series of transactions known or referred to as Cash 5.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 22:

All documents concerning Cash 6, or a project, transaction or series of transactions known or referred to as Cash 6.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 23:

All documents concerning Cerberus, or a project, transaction or series of transactions known or referred to as Cerberus.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 24:

All documents concerning Chewco, or a project, transaction or series of transactions known or referred to as Chewco.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 25:

All documents concerning Chewco Investments, L.P., or a project, transaction or series of transactions known or referred to as Chewco Investments, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 26:

All documents concerning Cochise, or a project, transaction or series of transactions known or referred to as Cochise.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 27:

All documents concerning Condor, or a project, transaction or series of transactions known or referred to as Condor.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 28:

All documents concerning Condor Share Trust, or a project, transaction or series of transactions known or referred to as Condor Share Trust.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 29:

All documents concerning CXC Incorporated, or a project, transaction or series of transactions known or referred to as CXC Incorporated.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 30:

All documents concerning project Cornhusker, or a transaction or series of transactions known or referred to as Cornhusker.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 31:

All documents concerning Delta, or a project, transaction or series of transactions known or referred to as Delta.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 32:

All documents concerning Destec, or a project, transaction or series of transactions known or referred to as Destec.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 33:

All documents concerning EBF, or a project, transaction or series of transactions known or referred to as EBF.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 34:

All documents concerning Enext Generation, LLC, or a project, transaction or series of transactions known or referred to as ENext.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 35:

All documents concerning Enron Credit Linked Note or Yosemite, or a project, transaction or series of transactions known or referred to as Enron Credit Linked Note or Yosemite.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 36:

All documents concerning Enron Equity Corp., or a project, transaction or series of transactions known or referred to as Enron Equity Corp.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 37:

All documents concerning Enserco, or a project, transaction or series of transactions known or referred to as Enserco.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 38:

All documents concerning EOTT/Nikita or Nikita, or a project, transaction or series of transactions known or referred to as EOTT/Nikita or Nikita.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 39:

All documents concerning ETOL, or a project, transaction or series of transactions known or referred to as ETOL.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 40:

All documents concerning Fiber Systems, L.P., or a project, transaction or series of transactions known or referred to as Fiber Systems, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 41:

All documents concerning Gallup or Kachina, or a project, transaction or series of transactions known or referred to as Gallup or Kachina.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 42:

All documents concerning Garden State, or a project, transaction or series of transactions known or referred to as Garden State.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 43:

All documents concerning Goldeneye, L.P., or a project, transaction or series of transactions known or referred to as Goldeneye, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 44:

All documents concerning Harrier, or a project, transaction or series of transactions known or referred to as Harrier.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 45:

All documents concerning Hawaii, Hawaii 125-0, McGarret or Danno, or a project, transaction or series of transactions known or referred to as Hawaii, Hawaii 125-0, McGarret or Danno.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including

materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 46:

All documents concerning Inauguration/Electrobolt, or a project, transaction or series of transactions known or referred to as Inauguration or Electrobolt.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 47:

All documents concerning Jedi I, or a project, transaction or series of transactions known or referred to as Jedi I.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 48:

All documents concerning Jedi II, or a project, transaction or series of transactions known or referred to as Jedi II.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 49:

All documents concerning Joint Energy Development Investments Limited Partnership, or a project, transaction or series of transactions known or referred to as Joint Energy Development Investments Limited Partnership.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 50:

All documents concerning John Hancock, or a project, transaction or series of transactions known or referred to as John Hancock.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 51:

All documents concerning JT Holdings, or a project, transaction or series of transactions known or referred to as JT Holdings.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 52:

All documents concerning Kstar or KCS - VPP, or a project, transaction or series of transactions known or referred to as Kstar or KCS - VPP.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 53:

All documents concerning Kingfisher, LLC, or a project, transaction or series of transactions known or referred to as Kingfisher, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 54:

All documents concerning LJM1, or a project, transaction or series of transactions known or referred to as LJM1.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 55:

All documents concerning LJM2, or a project, transaction or series of transactions known or referred to as LJM2.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 56:

All documents concerning LJM3, or a project, transaction or series of transactions known or referred to as LJM3.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 57:

All documents concerning LJM Cayman, L.P., or a project, transaction or series of transactions known or referred to as LJM Cayman, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 58:

All documents concerning LJM Partners, L.P., or a project, transaction or series of transactions known or referred to as LJM Partners, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 59:

All documents concerning LJM Partners, LLC, or a project, transaction or series of transactions known or referred to as LJM Partners, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 60:

All documents concerning LJM Swap Sub, L.P., or a project, transaction or series of transactions known or referred to as LJM Swap Sub, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 61:

All documents concerning LJM SwapCo., or a project, transaction or series of transactions known or referred to as LJM SwapCo.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 62:

All documents concerning LJM2 Capital Management, L.P., or a project, transaction or series of transactions known or referred to as LJM2 Capital Management, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 63:

All documents concerning LJM2 Capital Management, LLC, or a project, transaction or series of transactions known or referred to as LJM2 Capital Management, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 64:

All documents concerning LJM2 Co-Investment, L.P., or a project, transaction or series of transactions known or referred to as LJM2 Co-Investment, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 65:

All documents concerning Little River Funding, LLC, or a project, transaction or series of transactions known or referred to as Little River Funding, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 66:

All documents concerning Mahonia, or a project, transaction or series of transactions known or referred to as Mahonia.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 67:

All documents concerning Mahonia Natural Gas, Ltd, or a project, transaction or series of transactions known or referred to as Mahonia Natural Gas, Ltd.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 68:

All documents concerning project Margaux, or a transaction or series of transactions known or referred to as Margaux.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 69:

All documents concerning project Marlin, or a transaction or series of transactions known or referred to as Marlin.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 70:

All documents concerning Marlin Water Trust, or a project, transaction or series of transactions known or referred to as Marlin Water Trust.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 71:

All documents concerning Merlin Acquisition, L.P., or a project, transaction or series of transactions known or referred to as Merlin Acquisition, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 72:

All documents concerning Monte, or a project, transaction or series of transactions known or referred to as Monte.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 73:

All documents concerning Motown, or a project, transaction or series of transactions known or referred to as Motown.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 74:

All documents concerning Nahoni, or a project, transaction or series of transactions known or referred to as Nahoni.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 75:

All documents concerning Nile, or a project, transaction or series of transactions known or referred to as Nile.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 76:

All documents concerning NOLy, or a project, transaction or series of transactions known or referred to as NOLy.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 77:

All documents concerning NOLy Unwind, or a project, transaction or series of transactions known or referred to as NOLy Unwind.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 78:

All documents concerning Omaha Office Building Lease, or a project, transaction or series of transactions known or referred to as Omaha Office Building Lease.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 79:

All documents concerning Osprey or Whitewing, or a project, transaction or series of transactions known or referred to as Osprey or Whitewing.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 80:

All documents concerning Osprey Trust or Osprey, Inc., or a project, transaction or series of transactions known or referred to as Osprey Trust or Osprey, Inc.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 81:

All documents concerning Pelican Bidder, LLC, or a project, transaction or series of transactions known or referred to as Pelican Bidder, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 82:

All documents concerning Peregrine, LLC, or a project, transaction or series of transactions known or referred to as Peregrine, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 83:

All documents concerning Ponderosa Assets, L.P., or a project, transaction or series of transactions known or referred to as Ponderosa Assets, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 84:

All documents concerning Porcupine, or a project, transaction or series of transactions known or referred to as Porcupine.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 85:

All documents concerning Prepays, or a project, transaction or series of transactions known or referred to as Prepays.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 86:

All documents concerning Pronghorn, or a project, transaction or series of transactions known or referred to as Pronghorn.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 87:

All documents concerning Purple Martin, LLC, or a project, transaction or series of transactions known or referred to as Purple Martin, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 88:

All documents concerning Quail Energy, L.P., or a project, transaction or series of transactions known or referred to as Quail Energy, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 89:

All documents concerning RADR, or a project, transaction or series of transactions known or referred to as RADR.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 90:

All documents concerning Raptor I, or a project, transaction or series of transactions known or referred to as Raptor I.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 91:

All documents concerning Raptor II, or a project, transaction or series of transactions known or referred to as Raptor II.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 92:

All documents concerning Raptor III, or a project, transaction or series of transactions known or referred to as Raptor III.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 93:

All documents concerning Raptor IV, or a project, transaction or series of transactions known or referred to as Raptor IV.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 94:

All documents concerning Rawhide, or a project, transaction or series of transactions known or referred to as Rawhide.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 95:

All documents concerning Rawhide Investors LLC, or a project, transaction or series of transactions known or referred to as Rawhide Investors LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 96:

All documents concerning Renegade, or a project, transaction or series of transactions known or referred to as Renegade.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 97:

All documents concerning Rhythms NetConnections, or a project, transaction or series of transactions known or referred to as Rhythms NetConnections, Inc.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 98:

All documents concerning Riverside, or a project, transaction or series of transactions known or referred to as Riverside.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 99:

All documents concerning Roosevelt, or a project, transaction or series of transactions known or referred to as Roosevelt.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 100:

All documents concerning S.E. Acquisition, L.P., or a project, transaction or series of transactions known or referred to as S.E. Acquisition, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 101:

All documents concerning S.E. Raptor, L.P., or a project, transaction or series of transactions known or referred to as S.E. Raptor, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 102:

All documents concerning S.E. Raven, L.P., or a project, transaction or series of transactions known or referred to as S.E. Raven, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 103:

All documents concerning S.E. Thunderbird, L.P., or a project, transaction or series of transactions known or referred to as S.E. Thunderbird, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 104:

All documents concerning SONR #1, L.P., or a project, transaction or series of transactions known or referred to as SONR #1, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 105:

All documents concerning SONR #1, LLC, or a project, transaction or series of transactions known or referred to as SONR #1, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 106:

All documents concerning SONR #2, LLC, or a project, transaction or series of transactions known or referred to as SONR #2, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 107:

All documents concerning Service Co., or a project, transaction or series of transactions known or referred to as Service Co.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 108:

All documents concerning Sichuagailing Elective, or a project, transaction or series of transactions known or referred to as Sichuagailing Elective.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 109:

All documents concerning Slapshot, or a project, transaction or series of transactions known or referred to as Slapshot.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 110:

All documents concerning Slapshot Funding or Stadacom, or a project, transaction or series of transactions known or referred to as Slapshot Funding or Stadacom.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 111:

All documents concerning SMUD, or a project, transaction or series of transactions known or referred to as SMUD.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 112:

All documents concerning SO2 Credits, or a project, transaction or series of transactions known or referred to as SO2 Credits.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 113:

All documents concerning Southampton Place, L.P., or a project, transaction or series of transactions known or referred to as Southampton, Place, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 114:

All documents concerning Southampton, L.P., or a project, transaction or series of transactions known or referred to as Southampton, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 115:

All documents concerning Spokane, or a project, transaction or series of transactions known or referred to as Spokane.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 116:

All documents concerning Steele, or a project, transaction or series of transactions known or referred to as Steele.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 117:

All documents concerning Stoneville Aegean, Ltd., or a project, transaction or series of transactions known or referred to as Stoneville Aegean, Ltd.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 118:

All documents concerning Sundance, or a project, transaction or series of transactions known or referred to as Sundance.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 119:

All documents concerning Sundance Assets, L.P., or a project, transaction or series of transactions known or referred to as Sundance Assets, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 120:

All documents concerning Talon, LLC, or a project, transaction or series of transactions known or referred to as Talon, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 121:

All documents concerning Tammy I, or a project, transaction or series of transactions known or referred to as Tammy I.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 122:

All documents concerning Tammy II, or a project, transaction or series of transactions known or referred to as Tammy II.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 123:

All documents concerning Tanya, or a project, transaction or series of transactions known or referred to as Tanya.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 124:

All documents concerning Teresa, or a project, transaction or series of transactions known or referred to as Teresa.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 125:

All documents concerning Timberwolf, or a project, transaction or series of transactions known or referred to as Timberwolf.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 126:

All documents concerning Tomas, or a project, transaction or series of transactions known or referred to as Tomas.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 127:

All documents concerning Triple City, or a project, transaction or series of transactions known or referred to as Triple City.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 128:

All documents concerning Valhalla, or a project, transaction or series of transactions known or referred to as Valhalla.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 129:

All documents concerning Valor, or a project, transaction or series of transactions known or referred to as Valor.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 130:

All documents concerning white Pine Energy, LLC, or a project, transaction or series of transactions known or referred to as White Pine Energy, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 131:

All documents concerning White Pine Management, LLC, or a project, transaction or series of transactions known or referred to as White Pine Management, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 132:

All documents concerning Whitewing Associates, L.P., or a project, transaction or series of transactions known or referred to as Whitewing Associates, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 133:

All documents concerning Whitewing Associates, LLC, or a project, transaction or series of transactions known or referred to as Whitewing Associates, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 134:

All documents concerning Whitewing Management, LLC, or a project, transaction or series of transactions known or referred to as Whitewing Management, LLC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 135:

All documents concerning Woodlark, L.P., or a project, transaction or series of transactions known or referred to as Woodlark, L.P.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 136:

All documents concerning Yosemite Securities Trust, or a project, transaction or series of transactions known or referred to as Yosemite Securities Trust.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 137:

All documents concerning Zephyrus or Choctaw, or a project, transaction or series of transactions known or referred to as Zephyrus or Choctaw.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 138:

All documents concerning any transactions or agreements, whether formal or informal, between Enron and any nonconsolidated Special Purpose Entity or Special Purpose Vehicle (herein collectively "SPE").

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that the terms "Special Purpose Entity" or "Special Purpose Vehicle" are vague and ambiguous and have not previously been defined in the Examiner's Subpoena. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 139:

All documents that relate or refer to transactions (as well as all entities as defined in the Bankruptcy Code and pre-petition professionals involved therein): (i) involving special purpose vehicles and entities created or structured by the Debtors or at the behest of the Debtors (the "SPEs"), that are (ii) not reflected on the Enron Corp. balance sheets or that (iii) involve hedging using the Enron Corp. stock or (iv) are reflected, reported or omitted in the relevant entity's financial statements not in accordance with GAAP or that (v) involve transfers or conveyances to any pre-petition insider or professionals of the Debtors.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that the terms "special purpose vehicles and entities" and "Debtors" are vague and ambiguous and have not previously been defined in the Examiner's subpoenas. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 140:

All documents concerning any review or analysis, whether conducted by you or a third party, of the Management Discussion and Analysis ("MD&A") section of any Enron public filing.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey further objects to this request on the ground that the phrase "any Enron public filing" is vague and ambiguous and has not previously been defined in the Examiner's subpoenas. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege or consulting expert privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron.

Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 141:

All documents concerning the years ending December 31, 1996 through 2001 relating to any services that you provided concerning filings by Enron and by Enron's affiliates with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the Securities Act of 1933 and any other federal securities laws, including but not limited to, all Form 10-Ks, all Form 10-Qs, all Form 8-Ks, all annual reports, all registration statements, all proxy and information statements and all Form 3s, 4s, and 5s filed by Enron's Section 16 reporting persons.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to the term "services" as vague and ambiguous. The term "services" as used herein appears to refer to professional or consultant services, such as those provided by a law firm or accounting firm; consequently, the request does not appear to apply to Causey. To the extent the request could somehow be construed to apply to them, Causey objects to this request on the grounds that it seeks documents that are exempt from discovery under the attorney work product or attorney client privileges, including materials subject to a joint defense privilege or consulting expert privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 142:

All documents concerning the years ending December 31, 1996 through 2001 relating to any services that you provided concerning filings by Enron and by Enron's affiliates with state securities (or "blue sky") regulatory authorities.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to the term "services," as vague and ambiguous. The term "services" as used herein appears to refer to professional or consultant services, such as those provided by a law firm or accounting firm; consequently, the request does not appear to apply to Causey. To the extent the request could somehow be construed to apply to them, Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney client privileges, including materials subject to a joint defense privilege or consulting expert

privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 143:

All documents concerning the years ending December 31, 1996 through 2001 relating to any services that you provided concerning:

- (a) Enron press releases;
- (b) analyst conference calls hosted by or in which Enron participated;
- (c) any scripts and/or road show presentations used to encourage any potential investors to purchase Enron securities whether pursuant to public or private offering of Enron securities;
- (d) analyst conferences hosted, attended or participated in by Enron (including documents relating to presentations made by Enron and materials distributed by Enron at those conferences);
- (e) analyst reports and research done by analysts relating to Enron (including reports by "short sellers");
- (f) communications with analysts, investment banks and/or broker/dealers, including but not limited to, communications regarding analyst coverage and/or compliance with Regulation FD;
- (g) communications between you, Enron and/or any other Enron agents and the New York Stock Exchange (and the other exchanges on which Enron securities traded) and/or the National Association of Securities Dealers (and any of its affiliates), including all correspondence and filings with these bodies relating to Enron;
- (h) Securities and Exchange Commission comment and response letters thereto relating to any disclosure and/or compliance issues relating to Enron;
- (i) communications between Enron and any accounting firm or outside accountant;
- (j) communications between Enron and any outside law firm;
- (k) Rule 10b5-1 plans relating to any sales of securities by any Enron employee, executive officer, director other affiliate;

- (l) meetings, deliberations and communications relating to Enron's board of directors and the committees thereof, including all presentations, memoranda, resolutions and minutes of the meetings of Enron's board of directors and the committees thereof;
- (m) outside public relations/investor relations firms engaged by Enron; and
- (n) credit rating agencies, any including any correspondence with or presentations to these credit rating agencies.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to the term "services" as vague and ambiguous. The term "services" as used herein appears to refer to professional or consultant services, such as those provided by a law firm or accounting firm; consequently, the request does not appear to apply to Causey. To the extent the request could somehow be construed to apply to them, Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney client privileges, including materials subject to a joint defense privilege or any other privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. Moreover, to the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 144:

All documents concerning the years ending December 31, 1996 through 2001 relating to any offerings and sales of securities by Enron not registered under the Securities Act of 1933, including but not limited to, offerings and sales made pursuant to Rule 144A, Regulation D, Section 4(2) of the Securities Act of 1933 and/or Regulation S.85.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that it is overly broad and unduly burdensome. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 145:

All documents concerning any analysis of beneficial ownership and/or control of any "Special Purchase Entity," or "Special Purpose Vehicle," or other entity related to Enron, by Enron and/or any Enron employee.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that it is overly broad and unduly burdensome. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 146:

Any documents concerning any communication, including, but not limited to, memoranda or reports, to any committee of Enron, such as, the Audit Committee, Special Committee, Compensation Committee, or any executive or in-house counsel, including, but not limited to, drafts, notes, documents relating to interviews, legal research, internal memoranda, and communications with third parties.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, this request is virtually open-ended, and not tied to a particular subject matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct and exceed the scope of his authorized investigation. Causey also objects to this request on the ground that it seeks documents exempt from disclosure under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege or any other privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 147:

All documents concerning fairness opinions obtained in connection with any transactions approved by the board of directors of Enron or any committee thereof.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the grounds that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 148:

Any documents concerning the use of Enron stock, forwards on Enron stock, futures on Enron stock, or derivatives related to Enron stock in connection with the funding or the guarantee of any obligations by Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the grounds that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 149:

All documents concerning the Audit Committee review of the LJM transactions in February 2000, February 2001 and on any other date.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the grounds that it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 150:

All documents concerning the Finance Committee review of the LJM transactions on May 1, 2000 and February 2001.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the grounds that it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 151:

All documents concerning any "buy backs" by Enron of any assets it had previously sold.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to the request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 152:

All documents concerning schedule K1's for Enron related partnerships.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that the term "Enron related partnerships" is vague and ambiguous and has not previously been defined in the Examiner's subpoenas. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 153:

All documents concerning any loan to or investment in or payment from any entity formed as a result of an Enron transaction or in which Enron held any ownership interest, including but not limited to cancelled checks, confirmations, brokerage statements and 1099s.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey further objects to the extent the request is vague, ambiguous, and confusing as phrased. As Causey understand the request, it is only seeking such documents related to entities that were formed with some involvement by Enron -- rather than such documents relating to Enron itself. Causey further objects to this request on the ground that it seeks confidential, proprietary, and personal information of others. Causey also objects to this request on the grounds that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 154:

All documents concerning any transaction with Enron or entity related to Enron in which you were involved or held a five percent or greater interest in any entity involved in the transaction.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that the terms "transaction" and "involved" are vague and ambiguous. Finally, Causey objects to this request to the extent it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege.

REQUEST FOR PRODUCTION NO. 155:

All documents concerning Deal Approval Sheets for Enron transactions.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 156:

All documents concerning legal advice regarding any actual or potential conflicts involving Enron or any of its officers, directors or affiliated entities.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey

further objects to this request on the ground that it requests documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 157:

All documents concerning Enron's Code of Conduct.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to the request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 158:

All documents concerning Enron director and officer questionnaires.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request to the extent it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 159:

All documents concerning communications to or from Enron's Board of Directors, including materials distributed to Board Members concerning meetings(s) of the Board of Directors.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request to the extent it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 160:

All documents concerning communications with the Enron in-house legal department.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 161:

All documents concerning communications with any "outside counsel" for Enron, including but not limited to, Vinson & Elkins, LLP.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 162:

All documents concerning communications with any "personal counsel" retained by any officer or director.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 163:

All documents concerning the nature and/or quality of Enron's earnings.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 164:

All documents concerning any analysis of Enron's asset transfers.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 165:

All documents concerning Enron's "asset light" strategy.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome,

especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 166:

All documents concerning the nature and value of assets sold by Enron to Enron-related special purpose entities.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 166(a) aka 173:

All documents concerning any Enron credit rating or interaction with any credit rating entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also

objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 167:

All documents concerning Enron's financial coverage ratios.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Indeed, his request is virtually open-ended and not tied to a particular subject-matter. Thus, Causey objects to this request on the ground that it seeks documents which are not relevant to any investigation that the Examiner is authorized to conduct. Causey further objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 168:

All documents concerning the disclosure of related party transactions under Item 404 of Form 10K.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought or fails to specify any connection to any relevant entity or other subject-matter. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 169:

All documents concerning Arthur Andersen, LLP.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought or any connection to Enron or any other subject-matter related to the Examiner's investigation; thus it exceeds the scope of his authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 170:

All documents concerning PwC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought or any connection to Enron or any other subject-matter related to the Examiner's investigation; thus, it exceeds the scope of his authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this Request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 171:

All documents concerning any information provided by Arthur Andersen, LLP to the board of directors of Enron or any committee thereof.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 172:

All documents concerning any information provided by Vinson & Elkins, LLP to the board of directors of Enron or any committee thereof.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 173:

All documents concerning any information provided by McKinsey & Co. to Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also

objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 174:

All documents provided by any commercial bank, including but not limited to, JP Morgan Chase Bank, Citibank, and any affiliates thereof, to Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 175:

All documents provided by any investment bank or valuation firm to Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 176:

All documents concerning any tax planning or tax strategies for Enron, including options, written advice or presentation materials, relating to the federal, state, local or foreign tax consequences arising from any transaction involving any SPE or Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey further objects to this request on the ground that it requests documents that are exempt from discovery under the attorney work product and attorney-client privileges. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 177:

All documents concerning the Sherron Watkins letters or the allegations set forth therein.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey further objects to this request on the ground that it requests documents that are exempt from discovery under the attorney work product and attorney-client privileges. Causey also objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 178:

All documents concerning Enron's insider trading policy, including all documents relating to the recipients compliance with such policy.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that the term "recipients" is vague and ambiguous. Causey further objects to this request on the ground that it seeks documents exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 179:

All documents concerning the receipt, purchase, sale, transfer, pledge, gift, or hedge of Enron stock by any officer, directors or family member of any officer or director or any forward, future or derivative relating to Enron stock.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 180:

All documents concerning any Rule 10b-5-1 stock sale plans adopted by any officer or director of Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly

burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 181:

All documents concerning any financial interest, direct or indirect, which any officer, director, or family member of any officer or director had in any special purpose entity or in any asset acquired by an Enron special purpose entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 182:

All documents concerning payments to any officer, director, or family member of any officer or director including documents concerning bonus plans, consulting payments or the like.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey further objects to this request to the extent it seeks confidential, proprietary, and personal information. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the

Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 183:

All documents concerning the state and federal income tax returns filed on behalf of the officers and directors of Enron, including, but not limited to, Schedules A, B, C, D and E to such returns, from 1997 to the present.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents which are beyond the scope of the Examiner's authorized investigation. Causey further objects to this request on the ground that it impermissibly seeks to invade Causey's (and others') Constitutional, personal, and property rights. Causey also objects to the extent the request seeks documents exempt from discovery under the attorney work product and attorney-client privileges.

REQUEST FOR PRODUCTION NO. 184:

All documents concerning any review by the compensation committee or the board of the compensation of the directors and officers of Enron, including but not limited to, Andrew Fastow.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that it invades personal privacy rights. Finally, Causey objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 185:

All documents concerning any information provided by Towers Perrin to Enron, to the board of directors of Enron or any committee thereof.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 186:

All documents provided or produced by you pursuant to any request, subpoena or Rule 2004 Examination in this case, including, but not limited to, a subpoena issued by the Unsecured Creditors' Committee.

RESPONSE:

Other than the Subpoena being responded to herein, Causey has received no such requests at this time. Causey reserve all Objections that may apply should such a request be received.

REQUEST FOR PRODUCTION NO. 187:

All documents concerning Enron provided or produced to the Securities and Exchange Commission, Federal Bureau of Investigation, United States Department of Justice, any committee of the United States Senate or United States House of Representatives, or any federal, state, or other governmental agency or regulatory agency or authority.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks personal, confidential, proprietary, and otherwise privileged documents. Causey also objects in that the request seeks documents which are beyond the scope of the Examiner's authorized investigation.

REQUEST FOR PRODUCTION NO. 188:

All documents which you believe contradict the allegations of mismanagement by Enron officers and directors as set out in the Senate Subcommittee Report dated February 1, 2002.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks attorney work product and to discover documents that are exempt from discovery under the attorney-client and attorney work product privileges, including materials subject to a joint defense privilege or any other privilege. Causey further objects to this request on the ground that the phrase "allegations of mismanagement" is vague and ambiguous. Causey also objects in that the request seeks documents which are beyond the scope of the Examiner's authorized investigation.

REQUEST FOR PRODUCTION NO. 189:

All documents, including any communications between you and counsel or other advisors, provided to the Special Committee of the Enron Board of Directors (the "Powers Committee") or any other special committee of Enron's Board of Directors.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey personally provided no such documents, although Enron may have provided documents, if any, taken from Causey's office. Causey further objects to this request on the ground that any such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor have Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 190:

All documents which you believe contradict the allegations of mismanagement by the officers and directors as set forth in the Powers Report.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks attorney work product and to discover documents that are exempt from discovery under the attorney-client and attorney work product privileges, including materials subject to a joint defense privilege or any other privilege. Causey further objects to this request on the ground that the phrase "allegations mismanagement" is vague and ambiguous. Causey also objects in that the request seeks documents which are beyond the scope of the Examiner's authorized investigation.

REQUEST FOR PRODUCTION NO. 191:

All documents concerning tolling letters for Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Moreover, it is unclear what sort of "tolling letters" the request seeks; therefore, it is vague and ambiguous.

REQUEST FOR PRODUCTION NO. 192:

All documents concerning Enron's loans to Kenneth Lay and any efforts by Enron to monitor the same.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges, or any other applicable privilege. Moreover, the request is overly broad to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request to the extent that it seeks confidential, proprietary, and personal information. Finally, Causey objects to this request on the ground that documents concerning Enron's efforts to monitor loans made by Causey are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 193:

All documents concerning the compensation of Andrew Fastow.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 194:

All documents concerning former Enron Treasurer, Jeff McMahon.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Indeed, the request is open-ended and not even delineated by any relationship to Enron Corp. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 195:

All documents concerning communications with James V. Derrick, Jr., Enron's general counsel.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Indeed, the request is open-ended and not even delineated by any relationship to Enron Corp. Causey further objects on the ground that it is overly broad and unduly burdensome, especially

to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 196:

All documents concerning communications with Enron in-house counsel, Jordan Mintz.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Indeed, the request is open-ended and not even delineated by any relationship to Enron Corp. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 197:

All documents concerning communications between you any Enron's officers or directors concerning Enron's compensation policies and procedures.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been

authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 198:

All documents concerning self-dealing by Enron's officers, directors, and/or employees.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey also objects to this request on the ground that it is vague and ambiguous. Finally, Causey objects to this request on the ground that documents relating to internal Enron matters are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 199:

All documents concerning transactions involving Enron Securities by any officer, director, member, partner, employee or shareholder of Enron, any SPE or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 200:

All documents concerning Enron's energy marketing policies, procedures and practices.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 201:

All documents concerning Enron's tax planning policies, procedures and practices.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 202:

All documents concerning communications between any SPE or any Enron-Related Entity, on they one hand, and Andersen, on the other hand, concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including

materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron or Andersen. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 203:

All documents concerning communications between any SPE or any Enron-Related Entity, on the one hand, and PwC, on the other hand, concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron or PwC. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 204:

All documents concerning Enron's accounting policies, practices, and procedures.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 205:

All documents concerning Enron's Board of Directors' oversight of Enron's accounting policies, practice, and procedures.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 206:

All documents concerning the review of proposed transactions with SPEs or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 207:

All documents concerning Enron's Board of Directors' oversight of Enron's internal review of proposed transactions with SPEs or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 208:

All documents concerning the review of conflict of interest transactions between Enron, on the one hand, and any SPE or Enron-Related Entity, on the other hand.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 209:

All documents concerning Enron's Board of Directors' oversight of the review of conflict of interest transactions between Enron, on the one hand, and any SPE or Enron-Related Entity, on the other hand.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including

materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Frevert, Horton, Buy and Kean nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 210:

All documents concerning the financial statements of Enron, any SPE or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 211:

All documents concerning any restatement or planned restatement of the financial statements of Enron, any SPE or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 212:

All documents concerning any equity investments(s), capital contribution(s) or debt financings for any SPE or Enron-Related Entity, whether discussed, proposed or consummated.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 213:

All documents between and among Enron's officers, directors, partners, members or employees on the one hand, and third parties, on the other hand, concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 214:

All documents concerning any communication between any officer, directors, employee, member, partner, or anyone purporting to act for or on behalf of any SPE or Enron-Related Entity, on the one hand, and any officer, director or employee of Enron, on the other hand.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought or set forth any subject-matter of the communications inquired about. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 215:

All documents concerning any management or other services provided to any SPE or Enron-Related Entity by Andrew Fastow.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought or set forth any subject-matter of the communications inquired about. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 216:

All documents concerning Michael Kopper's compensation arrangements and/or payments actually made or received by Michael Kopper concerning Enron, any SPE, Enron-Related Entity, or Enron Securities.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 217:

All documents concerning any management or other services provided to any SPE or Enron-Related Entity by Michael Kopper.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 218:

All documents concerning any management or other services provided to any SPE or Enron-Related Entity by Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground

that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 219:

To the extent not called for by any other request, all documents concerning Enron, any SPE, or Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and is virtually open-ended. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey also objects to the extent the request can be construed to seek personal, confidential, and/or proprietary documents.

REQUEST FOR PRODUCTION NO. 220:

Documents sufficient to identify any legal or equitable claims, including the nature and amount of all such claims, asserted against you or members of your family concerning Enron during the period from January 1, 1996 to the present.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks attorney work product and documents exempt from discovery by the attorney-client privilege, including materials subject to a joint defense privilege. Causey further objects that the request is overly burdensome and seeks documents that are in the public record and accessible to the Examiner.

REQUEST FOR PRODUCTION NO. 221:

All documents, reports, drafts, memoranda, internal and external correspondence concerning acquisitions, debt financing, and divestures by Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought and is beyond the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 222:

All documents concerning the structure of, disclosure or, and/or accounting for any SPE, subsidiary, or partnership disclosed in any of Enron's filings with the SEC.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 223:

All documents concerning the issuance of Enron equity interest in exchange for notes receivable, guarantees, or any other form of non-cash considerations from any SPE, partnership, or subsidiary.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 224:

All documents concerning the formation and structuring of any SPE or any Enron-Related Entity including, but not limited to, all private placement memoranda, presentation materials, partnership agreements and his management policies and past or present organization structures.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 225:

All documents concerning Enron's off balance sheet debt from 1997 through 2001 including obliges and amounts owed.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it exceeds the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject

to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 226:

All documents concerning the source(s) of equity from 1997 through 2001 for any SPE.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 227:

All documents concerning any Objections expressed by any Enron officer, director or Enron's Board or Directors concerning any SPE or any Enron-Related entity controlled directly or indirectly by Andrew Fastow, Michael Kopper, Kristina Mordaunt, Anne Yeager, Ben Glisan or Kathy Lynn or in which any of them held an equity interest.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 228:

All contracts, policies or other documents that purport to obligate Enron to guaranty or otherwise reimburse any SPE or any Enron-Related Entity for or against claims or deficiencies including but not limited to any total return swaps, remarketing agreements or similar structures.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 229:

All documents which refer, reflect or relate to any SPEs on any Enron-Related Entity's communications with any insurance carriers concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 230:

Documents sufficient to identify any claims being made by or against you concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product and attorney-client privileges. Causey further objects to this request on the ground that it seeks documents beyond the scope of the Examiner's authorized investigation. Causey also objects to this request on the ground that the term "claims" is vague and ambiguous. Causey further objects to the extent that these documents are in the public domain and it would be an undue burden and expense to produce them.

REQUEST FOR PRODUCTION NO. 231:

All documents produced by you in response to any subpoena or other document request or demand (whether formal or informal) issued by (a) any party to a lawsuit concerning Enron, any SPE or any Enron-Related Entity, or (b) any governmental body or authority, including, but not limited to, any state or federal regulatory or enforcement agency, and/or the United States State Congress or any committee thereof.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is beyond the scope of the Examiner's authorized investigation. Causey further objects to the extent such documents are personal, confidential, and/or proprietary or subject to confidentiality agreements. Causey further objects to the extent any such documents are Enron's documents. Neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 232:

All documents concerning any compensation or payments of any kind, whether in cash, options, loans, Enron securities or any other thing of value, received by you or any member of your Family, from Enron, any SPE or any Enron-Related Entity from January 1, 1996 through the present, including documents sufficient to show the date and amount of each such item.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege or any other applicable privilege. Causey further objects to this request

on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey also objects to the extent the request can be construed to seek personal, confidential, and/or proprietary documents.

REQUEST FOR PRODUCTION NO. 233:

All documents concerning ownership or financial interests of Enron or any Enron-Related Entity held directly or indirectly by you or any member of your Family, including any Enron Securities, including documents sufficient to identify the ownership interest, the values thereof, the amounts invested, and anticipated and actual returns on the amounts invested.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey also objects to the extent the request can be construed to seek personal, confidential, and/or proprietary documents.

REQUEST FOR PRODUCTION NO. 234:

All documents concerning any communications between you and any member of Enron's Board of Directors concerning any SPE or Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to

Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 235:

All documents concerning any equity investment(s), capital contributions(s) or debt financing(s) for any SPE or Enron-Related Entity, whether discussed, proposed or consummated.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

REQUEST FOR PRODUCTION NO. 236:

All communications between and among Enron's officers, directors, partners, members or employees on the one hand, and third parties on the other hand, concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey also objects to the extent the request can be construed to seek personal, confidential, and/or proprietary documents.

REQUEST FOR PRODUCTION NO. 237:

All documents concerning any communication between any officer, director, employee, member, partner, or anyone purporting to act for or on behalf of any SPE or Enron-Related Entity, on the one hand, and any offer, director or employee of Enron, on the other hand.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request as beyond the scope of the Examiner's authorized investigation. Causey further objects on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced. Causey also objects to the extent the request can be construed to seek personal, confidential, and/or proprietary documents.

REQUEST FOR PRODUCTION NO. 238:

All documents concerning any valuations, financial models, forensic reports or opinions prepared by, on behalf of or concerning any SPE or any Enron-Related Entity.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is overly broad and unduly burdensome, especially to the extent it fails to specify a particular time period for which the information is sought. Causey also objects to this request on the ground that it seeks documents that are exempt from discovery under the attorney work product or attorney-client privileges, including materials subject to a joint defense privilege. Causey further objects to this request on the ground that such documents are more easily accessed by the Examiner through a request for production to Enron. To the extent Causey has received any documents from Enron, neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.


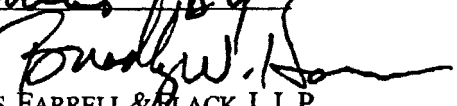
REQUEST FOR PRODUCTION NO. 239:

All statements, transcripts of testimony, communications and documents you or members of your Family provided to the SEC, any Committee of Congress, any federal, state or other regulatory authority or agency, and grand jury or in any litigation or arbitration concerning Enron.

RESPONSE:

Causey incorporates each of the General Objections in Sections I and II above as if fully set forth herein. Causey objects to this request on the ground that it is beyond the scope of the Examiner's authorized investigation. Causey further objects to the extent such documents are personal, confidential, and/or proprietary or subject to confidentiality agreements. Causey further objects to the extent any such documents are Enron's documents. Neither Causey nor his counsel have been authorized by Enron to produce any such documents, nor has Enron provided instructions about the terms on which documents should or may be produced.

Respectfully submitted,


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w/permission

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was forwarded to Neal Batson as Examiner, by and through his attorney of record, William C. Humphreys, Jr., Alston & Bird LLP, 1201 W. Peachtree Street, Atlanta, GA 30309 by Facsimile and Federal Express on October 21, 2002.

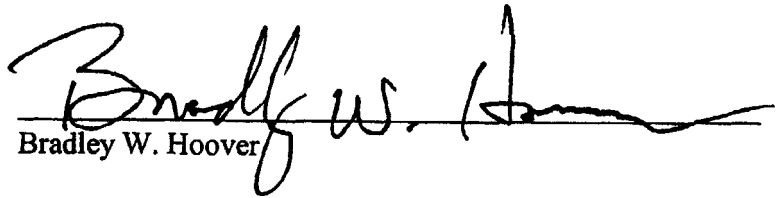

Bradley W. Hoover

EXHIBIT 5

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In the Matter

of

Case No.
01-16034

ENRON CORP.,

Debtor.

-----X

February 27, 2003

United States Custom House
One Bowling Green
New York, New York 10004

Hearing re: (02-3033) Enron North America Corp., Tribune Company, Pre-Trial Conference - adjourned, subject to mediation; (02-2520) Enron Power Marketing, Inc., Nevada Power Company and Sierra Pacific Power Company. Motion by plaintiff to dismiss defendants' counterclaims - adjourned to 4/3/03; Motion filed by the Debtors for an order authorizing the retention of Holliday Fenoglio Fowler, LP as real estate advisor, nunc pro tunc - to be withdrawn; Motion by Mission Iowa Wind Corp. and Storm Lake Power Partners I, LLC, to compel responses to discovery propounded re: allocation of sales proceeds. Response filed by K. Wetzel & Company, Inc. Opposition filed by Debtors - matter adjourned to later date; (02-3543) Enron North America Corp., Noble Gas Marketing, Inc., Samedan Oil Corporation, et al. Motion by Noble Energy Marketing, Inc., Aspect Resources, LLC, and Noble Energy, Inc. to compel arbitration - adjourned to 3/20/03; (02-3542) Enron North

1 ENRON CORP.

2 information. One of the problems that we have is
3 that under the April 8, 2002 order, the Regents is
4 limited in discussing issues with the Examiner.
5 And to everyone's credit, I have been careful and
6 the Debtor and the Examiner have been careful to
7 stay away from breaches of any of that and,
8 therefore, information has been very limited as to
9 what is happening. So I am happy to hear that
10 everything has been preserved.

11 THE COURT: Let me also add something
12 because I think it's probably an appropriate time.
13 And I have viewed this process in terms of duties
14 of the Examiner. There's really a, what I
15 consider two different standards that are
16 contained within the Examiner order. One is the
17 duty to the Court as a fact-finder, and there the
18 Examiner's role is to do his report and whether
19 its findings are in the best interest of the
20 estate, the findings should be made in accordance
21 with what the Examiner believes the facts and
22 circumstances require.

23 With respect to the privilege issue,
24 I think it's -- it is not the norm to give the
25 privilege waiver ability to an Examiner and

1 ENRON CORP.

2 privilege belongs to the Debtor. So there it was
3 my understanding, consistent with the order, that
4 the Examiner really works on the best interest of
5 the estate standard, so you have two different
6 standards applying within the context of the same
7 report. But I have no doubt at all that the
8 Examiner is fully aware of the fact-finding and
9 conclusion and, et cetera, that that standard is
10 the duty to the Court and not any particular
11 constituency, including the estate.

12 MR. RIEDERS: I fully agree. I
13 understand and that's why we put the privilege
14 mechanism in the order to deal with that and the
15 issue was dealt with in another manner. That's
16 fine, as long as I now know that the report is
17 available and that there is a record of the
18 modifications.

19 THE COURT: Well, I am not sure if it
20 was really dealt with in another manner. I think
21 that to the extent the Debtor and the Committee
22 had privilege issues, I would assume, as in any
23 dispute, they would attempt to resolve it before
24 involving the Court; so I don't think that
25 mechanism precluded the exercise that was -- that

EXHIBIT 6

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

In the Matter of	Case No. 01-16034
ENRON CORP., et al,	
Debtors	

-----x

August 29, 2002

United States Custom House
One Bowling Green
New York, New York 10004

Mtn. of Neal Batson, the Examiner, directing the production of documents under bankruptcy Rule 2004; Objections filed; Mtn. of the Official Committee of Unsecured Creditors authorizing issuance of Subpoenas for the production of documents and oral examination of financial institutions; Mtn. of the Official Committee of Unsecured Creditors authorizing issuance of Subpoenas for the production of documents and oral examination of JP Morgan Chase Bank.

B E F O R E:

HON. ARTHUR J. GONZALEZ,
Bankruptcy Judge.

1 ENRON CORP. et al

2 THE COURT: All right. Thank you.

3 MS. GRANFIELD: Good morning, Your
4 Honor. Lindsee Granfield, Cleary, Gottlieb, Stein
5 & Hamilton, on behalf of the Marlon Plaintiffs in
6 the Marlon adversary proceeding.

7 With me today is John Galban of
8 Seward & Kissell, who represents the Bank of New
9 York, and I represent the other Marlon Plaintiffs.

10 I understand the Creditors
11 Committee's response to our objection, which was
12 that the May, 2004 process could not be used with
13 respect to matters relating to our adversary
14 proceeding, since the adversary proceeding has
15 been on file for a while now, and in fact predated
16 the appointment of the Examiner, and that process
17 could not be used, but that the normal discovery
18 process for that adversary proceeding would be the
19 one that would need to be used.

20 From the papers and the argument
21 today, it seems the Creditors Committee agrees
22 with us. I don't know that the Examiner has
23 exactly addressed our issue, but with respect to
24 having an appropriate Order for today's motions,
25 we would just request that the Order be very clear

ENRON CORP. et al

1
2 that with respect to Subpoena's issued under 2004
3 for the Committee or the Examiner, that those
4 Subpoenas not be allowed with respect to matters
5 relating to Marlon Water Trust, the Atlantic Water
6 Trust, the Bristol Water Trust and other matters
7 relating to our adversary proceeding. --

8 THE COURT: I'm sorry to interrupt.
9 I understand your argument with respect to the
10 Committee, and I think I would understand your
11 argument with respect to the Examiner, if the
12 Committee or the Debtor were given access to the
13 information obtained by the Examiner for the 2004,
14 if it crossed over into the Marlon trust, et
15 cetera.

16 But if the Committee and the Debtor
17 were not given access, and those documents were
18 limited to the Examiner's access, because of the
19 various issue that you raised, would you still
20 object?

21 MS. GRANFIELD: It may be that we can
22 work something out with the Examiner; I would
23 certainly be willing to try to do that. I think
24 the only issue that there is, is even if we're
25 talking about now the discovery process, if the

1
2 Committee and the Debtor did not have access and
3 indeed other parties did not have access, like,
4 for instance, if the -- you know, the Examiner is
5 not now asking for depositions, yet the Examiner
6 is taking depositions later or has a group of
7 documents that he's thinking to rely upon in terms
8 of writing some section of his report, if any, on
9 the Marlon transaction, we then are at a grave
10 disadvantage with respect to our adversary
11 proceeding, in not knowing what people are
12 producing to him that relate to Marlon and not
13 knowing what is happening with respect to the
14 process of examination that may relate to Marlon.

15 So I am certainly willing to work out
16 something with the Examiner, but I think we would
17 still have concerns if later on there's a report
18 written, and it's relying on the examination of
19 documents that we have not seen or we have not
20 been able to participate in the discovery of.

21 I will say, and I think I said it at
22 the hearing that we had a month ago, on the Motion
23 for the stay of the Marlon proceeding, which is
24 still under submission to Your Honor, we have no
25 objection to the Examiner participating in

1 ENRON CORP. et al

2 MR. FORLENZA: Yes, sir, but it gets
3 complicated, because some of the represented
4 entities had Enron related entities and non-Enron
5 related entities.

6 So this would go to any privilege
7 that was not waived by the Court, regarding Enron
8 related entities.

9 MS. GRANFIELD: I'm sorry, Your
10 Honor. It may have been that there was really no
11 dispute and that's why you did not address it.

12 I would like to know whether the
13 scope of the 2004 Order would exclude the Marlon
14 transaction, and the entities dealing with that
15 transaction, and the matters pertaining to the
16 Marlon adversary proceeding.

17 THE COURT: All right. I think -- I
18 see counsel for the Committee rising, and I
19 imagine it's to disagree with what you've just
20 said, but I believe that issue cannot be resolved
21 until I resolve the Motion that is before me in
22 the first place.

23 MS. GRANFIELD: That's fine, Your
24 Honor, but that would just mean that the Order
25 that would come down, based on today's hearing,

ENRON CORP. et al

1
2 would not include the Marlon transaction, because
3 it's not going -- obviously the adversary
4 proceeding is not going forward until you rule one
5 way or the other, and if you stay it, then there's
6 a real big issue, as I just outlined previously,
7 because you can't use 2004 for those matters that
8 are not involved in the adversary proceeding.

9 If you are -- you'd like to adjourn
10 that part of the request until later, I have no
11 objection, but Your Honor should be clear that the
12 Examiner's request and the Committee's request
13 clearly contemplated Marlon; they both asked for
14 documents relating to Marlon and the Water Trust,
15 so I think the Order has to be clear on that
16 point, that you're not authorizing that yet or
17 that you are keeping that in abeyance.

18 THE COURT: That does not apply to
19 the Examiner, to the extent that the Examiner is
20 not sharing information with the Committee that
21 would be inconsistent with whatever ruling I have
22 concerning discovery.

23 MR. CONNOLLY: That's correct, Your
24 Honor. I presume that would be brought under a
25 separate Motion at a separate time, and we would

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, ET AL.	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO. H-01-3624
	}	AND CONSOLIDATED CASES
ENRON CORP., ET AL.,	}	
	}	
Defendants.	}	

**ORDER DENYING CERTAIN OFFICER DEFENDANTS' MOTION FOR
PROTECTION FROM BANKRUPTCY RULE 2004 SUBPOENAS**

A Motion for Protection (the "Motion for Protection") from Bankruptcy Rule 2004 Subpoenas was filed on March 4, 2003 by Richard A. Causey, Richard Buy, Kenneth Rice, Mark Frevert, Jeffrey McMahon, Steven Kean and Joseph Sutton (collectively the "Officer Defendants"), seeking an order from this Court quashing certain subpoenas issued by Neal Batson, the Examiner (the "Examiner") with respect to the Enron bankruptcy case appointed by the United States Bankruptcy Court for the Southern District of New York. The Examiner filed a response in opposition to the Motion for Protection on March 11, 2003. After reviewing the Motion for Protection, and the Examiner's Response, and having convened a hearing on such matters on March __, 2003; and finding that good and sufficient cause exists to deny the Motion for Protection. Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED that Certain Officer Defendants'
Motion for Protection from Bankruptcy Rule 2004 Subpoenas is DENIED.

SIGNED at Houston, Texas on this ____ day of _____, 2003.

UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, ET AL.	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO. H-01-3624
	}	AND CONSOLIDATED CASES
ENRON CORP., ET AL.,	}	
	}	
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SIGNED at Houston, Texas on this ____ day of _____, 2003.

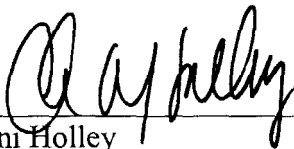
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the pleading was sent to Jerri Hardaway of Milberg, Weiss, Bershad Hynes & Lerach, LLP on March 11, 2003 for service on all counsel of record on the Service List via posting to www.es13624.com in compliance with the Court's Order Regarding Service of Papers and Notice of Hearings Via Independent Website. A true and correct copy of this pleading was served on the following counsel for the Officer Defendants via facsimile (without exhibits) and via overnight delivery (with exhibits) on March 11, 2003.

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